

Testimony
Senate Bill 2089 – Department of Human Services
Senate Industry, Business and Labor Committee
Senator Jerry Klein, Chairman
January 11, 2021

Chairman Klein, members of the Senate Human Services Committee, I am Krista Fremming, Assistant Director of the Medical Services Division, for the Department of Human Services (Department). I am here today to provide testimony on Senate Bill 2060.

The Department is opposed to Senate Bill 2060 as it is currently written due to the addition of a definition for telehealth in section 1. It is unclear why this definition is being added, as telehealth is not addressed in other sections of the bill nor in North Dakota Century Code Chapter 43-06, which governs the practice of chiropractors in the state.

North Dakota Medicaid does not cover chiropractic care that is delivered via telehealth. The Department has concerns that if the definition of chiropractic telehealth is added to North Dakota Century Code, it could be interpreted to mean that North Dakota Medicaid must reimburse chiropractors for services delivered via telehealth as well. Through the regulatory process, the Department publishes which services can be delivered and reimbursed through telehealth. In its traditional Medicaid program, the Department pays parity, meaning that telehealth services are paid at the same reimbursement levels as services delivered in person. Part of the rationale for payment parity is the assumption that

services delivered via telehealth must be of an amount and nature that would be sufficient to meet the key components and/or requirements of the same service when rendered via a face-to-face interaction. For this reason, the Department does not cover telehealth chiropractic services.

At the request of the committee, the Department can also offer an amendment that would clarify that this bill does not apply to North Dakota Medicaid.

I would be happy to answer any questions that you may have.