

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1038**

Introduced by

Legislative Management

(Health Care Reform Review Committee)

1 A BILL for an Act to create and enact section 54-52.1-04.13 of the North Dakota Century Code,  
2 relating to public employees retirement system uniform group insurance coverage of telehealth;  
3 to require a report regarding coverage of telehealth; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 54-52.1-04.13 of the North Dakota Century Code is created and  
6 enacted as follows:

7 **54-52.1-04.13. Insurance coverage of telehealth services.**

8 1. As used in this section:

- 9 a. "Distant site" means a site at which a health care provider or health care facility is  
10 located while providing medical services by means of telehealth.
- 11 b. "Health care facility" means any office or institution at which health services are  
12 provided. The term includes hospitals; clinics; ambulatory surgery centers;  
13 outpatient care facilities; nursing homes; nursing, basic, long-term, or assisted  
14 living facilities; laboratories; and offices of any health care provider.
- 15 c. "Health care provider" includes an individual licensed under chapter 43-05,  
16 43-06, 43-12.1 as a registered nurse or as an advanced practice registered  
17 nurse, 43-13, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42,  
18 43-44, 43-45, 43-47, 43-58, or 43-60.
- 19 d. "Originating site" means a site at which a patient is located at the time health  
20 services are provided to the patient by means of telehealth.
- 21 e. "Policy" means health benefits coverage under a contract for insurance pursuant  
22 to section 54-52.1-04 or under a self-insurance plan pursuant to section  
23 54-52.1-04.2.

- 1           f. "Store-and-forward technology" means electronic information, imaging, and  
2           communication that is transferred, recorded, or otherwise stored in order to be  
3           reviewed at a distant site at a later date by a health care provider or health care  
4           facility without the patient present in real time. The term includes telehome  
5           monitoring and interactive audio, video, and data communication.
- 6           g. "Telehealth":
- 7           (1) Means the use of interactive audio, video, or other telecommunications  
8           technology that is used by a health care provider or health care facility at a  
9           distant site to deliver health services at an originating site; and that is  
10           delivered over a secure connection that complies with the requirements of  
11           state and federal laws.
- 12           (2) Includes the use of electronic media for consultation relating to the health  
13           care diagnosis or treatment of a patient in real time or through the use of  
14           store-and-forward technology.
- 15           (3) Does not include the use of audio-only telephone, email, or facsimile  
16           transmissions.
- 17        2. For all policies that become effective after June 30, 2015, and which do not extend  
18        past June 30, 2017, the board shall provide health benefits coverage under a policy  
19        that provides coverage for health services delivered by means of telehealth which is  
20        the same as the coverage for health services delivered by in-person means.
- 21        3. Payment or reimbursement of expenses for covered health services delivered by  
22        means of telehealth under this section may be established through negotiations  
23        conducted by the board or the board's contractor with the health services providers in  
24        the same manner as the board establishes payment or reimbursement of expenses for  
25        covered health services that are delivered by in-person means.
- 26        4. Coverage under this section may be subject to deductible, coinsurance, and  
27        copayment provisions.
- 28        5. This section does not require:
- 29        a. A policy to provide coverage for health services that are not medically necessary,  
30        subject to the terms and conditions of the policy;

- 1           b. A policy to provide coverage for health services delivered by means of telehealth  
2           if the policy would not provide coverage for the health services if delivered by  
3           in-person means;
- 4           c. A policy to reimburse a health care provider or health care facility for expenses  
5           for health services delivered by means of telehealth if the policy would not  
6           reimburse that health care provider or health care facility if the health services  
7           had been delivered by in-person means; or
- 8           d. A health care provider to be physically present with a patient at the originating  
9           site unless the health care provider who is delivering health services by means of  
10           telehealth determines the presence of a health care provider is necessary.

11           **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF**  
12 **TELEHEALTH SERVICES.** Pursuant to section 54-03-28, the public employees retirement  
13 system shall prepare and submit for introduction a bill to the sixty-fifth legislative assembly to  
14 repeal the expiration date for section 1 of this Act and to extend the coverage of telehealth  
15 services to apply to all group and individual health insurance policies. The public employees  
16 retirement system shall append to the bill a report regarding the effect of the telehealth  
17 coverage requirement on the system's health insurance programs, information on the utilization  
18 and costs relating to the coverage, and a recommendation regarding whether the coverage  
19 should continue.

20           **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2017,  
21 and after that date is ineffective.