



General Assembly

Amendment

January Session, 2021

LCO No. 7892



Offered by:

REP. WOOD, 29th Dist.

SEN. LESSER, 9th Dist.

To: House Bill No. 5596

File No. 256

Cal. No. 210

"AN ACT CONCERNING TELEHEALTH."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) (a) As used in this section:

4 (1) "Asynchronous" has the same meaning as provided in section 19a-
5 906 of the general statutes.

6 (2) "Connecticut medical assistance program" means the state's
7 Medicaid program and the Children's Health Insurance program
8 administered by the Department of Social Services.

9 (3) "Facility fee" has the same meaning as provided in section 19a-
10 508c of the general statutes.

11 (4) "Health record" has the same meaning as provided in section 19a-
12 906 of the general statutes.

13 (5) "Medical history" has the same meaning as provided in section
14 19a-906 of the general statutes.

15 (6) "Medication-assisted treatment" has the same meaning as
16 provided in section 19a-906 of the general statutes.

17 (7) "Originating site" has the same meaning as provided in section
18 19a-906 of the general statutes.

19 (8) "Peripheral devices" has the same meaning as provided in section
20 19a-906 of the general statutes.

21 (9) "Remote patient monitoring" has the same meaning as provided
22 in section 19a-906 of the general statutes.

23 (10) "Store and forward transfer" has the same meaning as provided
24 in section 19a-906 of the general statutes.

25 (11) "Synchronous" has the same meaning as provided in section 19a-
26 906 of the general statutes.

27 (12) "Telehealth" means the mode of delivering health care or other
28 health services via information and communication technologies to
29 facilitate the diagnosis, consultation and treatment, education, care
30 management and self-management of a patient's physical, oral and
31 mental health, and includes interaction between the patient at the
32 originating site and the telehealth provider at a distant site, synchronous
33 interactions, asynchronous store and forward transfers or remote
34 patient monitoring, but does not include interaction through (A)
35 facsimile, texting or electronic mail, or (B) audio-only telephone unless
36 the telehealth provider is (i) in-network, or (ii) a provider enrolled in the
37 Connecticut medical assistance program providing such health care or
38 other health services to a Connecticut medical assistance program
39 recipient.

40 (13) "Telehealth provider" means any person who is (A) an in-
41 network provider or a provider enrolled in the Connecticut medical
42 assistance program providing health care or other health services to a

43 Connecticut medical assistance program recipient through the use of
44 telehealth within such person's scope of practice and in accordance with
45 the standard of care applicable to such person's profession, and (B) (i) a
46 physician or physician assistant licensed under chapter 370 of the
47 general statutes, physical therapist or physical therapist assistant
48 licensed under chapter 376 of the general statutes, chiropractor licensed
49 under chapter 372 of the general statutes, naturopath licensed under
50 chapter 373 of the general statutes, podiatrist licensed under chapter 375
51 of the general statutes, occupational therapist or occupational therapy
52 assistant licensed under chapter 376a of the general statutes, optometrist
53 licensed under chapter 380 of the general statutes, registered nurse or
54 advanced practice registered nurse licensed under chapter 378 of the
55 general statutes, psychologist licensed under chapter 383 of the general
56 statutes, marital and family therapist licensed under chapter 383a of the
57 general statutes, clinical social worker or master social worker licensed
58 under chapter 383b of the general statutes, alcohol and drug counselor
59 licensed under chapter 376b of the general statutes, professional
60 counselor licensed under chapter 383c of the general statutes, dietitian-
61 nutritionist certified under chapter 384b of the general statutes, speech
62 and language pathologist licensed under chapter 399 of the general
63 statutes, respiratory care practitioner licensed under chapter 381a of the
64 general statutes, audiologist licensed under chapter 397a of the general
65 statutes, pharmacist licensed under chapter 400j of the general statutes,
66 paramedic licensed pursuant to chapter 384d of the general statutes,
67 nurse-midwife licensed under chapter 377 of the general statutes,
68 dentist licensed under chapter 379 of the general statutes, behavior
69 analyst licensed under chapter 382a of the general statutes, genetic
70 counselor licensed under chapter 383d of the general statutes, music
71 therapist certified in the manner described in chapter 383f of the general
72 statutes, art therapist certified in the manner described in chapter 383g
73 of the general statutes or athletic trainer licensed under chapter 375a of
74 the general statutes, or (ii) an appropriately licensed, certified or
75 registered physician, physician assistant, physical therapist, physical
76 therapist assistant, chiropractor, naturopath, podiatrist, occupational
77 therapist, occupational therapy assistant, optometrist, registered nurse,

78 advanced practice registered nurse, psychologist, marital and family
79 therapist, clinical social worker, master social worker, alcohol and drug
80 counselor, professional counselor, dietitian-nutritionist, speech and
81 language pathologist, respiratory care practitioner, audiologist,
82 pharmacist, paramedic, nurse-midwife, dentist, behavior analyst,
83 genetic counselor, music therapist, art therapist or athletic trainer, in
84 another state or territory of the United States or the District of Columbia,
85 that provides telehealth services pursuant to his or her authority under
86 any relevant order issued by the Commissioner of Public Health and
87 maintains professional liability insurance or other indemnity against
88 liability for professional malpractice in an amount that is equal to or
89 greater than that required for similarly licensed, certified or registered
90 Connecticut health care providers.

91 (b) (1) Notwithstanding the provisions of section 19a-906 of the
92 general statutes, during the period beginning on the effective date of
93 this section and ending on June 30, 2023, a telehealth provider may only
94 provide a telehealth service to a patient when the telehealth provider:

95 (A) Is communicating through real-time, interactive, two-way
96 communication technology or store and forward transfer technology;

97 (B) Has determined whether the patient has health coverage that is
98 fully insured, not fully insured or provided through Medicaid or the
99 Children's Health Insurance Program, and whether the patient's health
100 coverage, if any, provides coverage for the telehealth service;

101 (C) Has access to, or knowledge of, the patient's medical history, as
102 provided by the patient, and the patient's health record, including the
103 name and address of the patient's primary care provider, if any;

104 (D) Conforms to the standard of care applicable to the telehealth
105 provider's profession and expected for in-person care as appropriate to
106 the patient's age and presenting condition, except when the standard of
107 care requires the use of diagnostic testing and performance of a physical
108 examination, such testing or examination may be carried out through
109 the use of peripheral devices appropriate to the patient's condition; and

110 (E) Provides the patient with the telehealth provider's license
111 number, if any, and contact information.

112 (2) Notwithstanding the provisions of section 19a-906 of the general
113 statutes, if a telehealth provider provides a telehealth service to a patient
114 during the period beginning on the effective date of this section and
115 ending on June 30, 2023, the telehealth provider shall, at the time of the
116 telehealth provider's first telehealth interaction with a patient, inform
117 the patient concerning the treatment methods and limitations of
118 treatment using a telehealth platform, including, but not limited to, the
119 limited duration of the relevant provisions of this section and sections 3
120 to 7, inclusive, of this act, and, after providing the patient with such
121 information, obtain the patient's consent to provide telehealth services.
122 The telehealth provider shall document such notice and consent in the
123 patient's health record. If a patient later revokes such consent, the
124 telehealth provider shall document the revocation in the patient's health
125 record.

126 (c) Notwithstanding the provisions of this section or title 20 of the
127 general statutes, no telehealth provider shall, during the period
128 beginning on the effective date of this section and ending on June 30,
129 2023, prescribe any schedule I, II or III controlled substance through the
130 use of telehealth, except a schedule II or III controlled substance other
131 than an opioid drug, as defined in section 20-14o of the general statutes,
132 in a manner fully consistent with the Ryan Haight Online Pharmacy
133 Consumer Protection Act, 21 USC 829(e), as amended from time to time,
134 for the treatment of a person with a psychiatric disability or substance
135 use disorder, as defined in section 17a-458 of the general statutes,
136 including, but not limited to, medication-assisted treatment. A
137 telehealth provider using telehealth to prescribe a schedule II or III
138 controlled substance pursuant to this subsection shall electronically
139 submit the prescription pursuant to section 21a-249 of the general
140 statutes, as amended by this act.

141 (d) During the period beginning on the effective date of this section
142 and ending on June 30, 2023, each telehealth provider shall, at the time

143 of the initial telehealth interaction, ask the patient whether the patient
144 consents to the telehealth provider's disclosure of records concerning
145 the telehealth interaction to the patient's primary care provider. If the
146 patient consents to such disclosure, the telehealth provider shall provide
147 records of all telehealth interactions during such period to the patient's
148 primary care provider, in a timely manner, in accordance with the
149 provisions of sections 20-7b to 20-7e, inclusive, of the general statutes.

150 (e) During the period beginning on the effective date of this section
151 and ending on June 30, 2023, any consent or revocation of consent under
152 this section shall be obtained from or communicated by the patient, or
153 the patient's legal guardian, conservator or other authorized
154 representative, as applicable.

155 (f) (1) The provision of telehealth services and health records
156 maintained and disclosed as part of a telehealth interaction shall comply
157 with all provisions of the Health Insurance Portability and
158 Accountability Act of 1996 P.L. 104-191, as amended from time to time,
159 and the rules and regulations adopted thereunder, that are applicable to
160 such provision, maintenance or disclosure.

161 (2) Notwithstanding the provisions of section 19a-906 of the general
162 statutes and subdivision (1) of this subsection, a telehealth provider that
163 is an in-network provider or a provider enrolled in the Connecticut
164 medical assistance program that provides telehealth services to a
165 Connecticut medical assistance program recipient, may, during the
166 period beginning on the effective date of this section and ending on June
167 30, 2023, use any information or communication technology in
168 accordance with the directions, modifications or revisions, if any, made
169 by the Office for Civil Rights of the United States Department of Health
170 and Human Services to the provisions of the Health Insurance
171 Portability and Accountability Act of 1996 P.L. 104-191, as amended
172 from time to time, or the rules and regulations adopted thereunder.

173 (g) Notwithstanding any provision of the general statutes, nothing in
174 this section shall, during the period beginning on the effective date of

175 this section and ending on June 30, 2023, prohibit a health care provider
176 from: (1) Providing on-call coverage pursuant to an agreement with
177 another health care provider or such health care provider's professional
178 entity or employer; (2) consulting with another health care provider
179 concerning a patient's care; (3) ordering care for hospital outpatients or
180 inpatients; or (4) using telehealth for a hospital inpatient, including for
181 the purpose of ordering medication or treatment for such patient in
182 accordance with the Ryan Haight Online Pharmacy Consumer
183 Protection Act, 21 USC 829(e), as amended from time to time. As used
184 in this subsection, "health care provider" means a person or entity
185 licensed or certified pursuant to chapter 370, 372, 373, 375, 376 to 376b,
186 inclusive, 378, 379, 380, 381a, 383 to 383c, inclusive, 384b, 397a, 399 or
187 400j of the general statutes or licensed or certified pursuant to chapter
188 368d or 384d of the general statutes.

189 (h) Notwithstanding any provision of the general statutes, no
190 telehealth provider shall charge a facility fee for a telehealth service
191 provided during the period beginning on the effective date of this
192 section and ending on June 30, 2023.

193 (i) (1) Notwithstanding any provision of the general statutes, no
194 telehealth provider shall provide health care or health services to a
195 patient through telehealth during the period beginning on the effective
196 date of this section and ending on June 30, 2023, unless the telehealth
197 provider has determined whether or not the patient has health coverage
198 for such health care or health services.

199 (2) Notwithstanding any provision of the general statutes, a
200 telehealth provider who provides health care or health services to a
201 patient through telehealth during the period beginning on the effective
202 date of this section and ending on June 30, 2023, shall:

203 (A) Accept as full payment for such health care or health services:

204 (i) An amount that is equal to the amount that Medicare reimburses
205 for such health care or health services if the telehealth provider
206 determines that the patient does not have health coverage for such

207 health care or health services; or

208 (ii) The amount that the patient's health coverage reimburses, and
209 any coinsurance, copayment, deductible or other out-of-pocket expense
210 imposed by the patient's health coverage, for such health care or health
211 services if the telehealth provider determines that the patient has health
212 coverage for such health care or health services.

213 (3) If a telehealth provider determines that a patient is unable to pay
214 for any health care or health services described in subdivisions (1) and
215 (2) of this subsection, the provider shall offer to the patient financial
216 assistance, if such provider is otherwise required to offer to the patient
217 such financial assistance, under any applicable state or federal law.

218 (j) Notwithstanding any provision of the general statutes or any
219 regulation adopted thereunder, a telehealth provider may provide
220 telehealth services pursuant to the provisions of this section from any
221 location.

222 (k) Notwithstanding the provisions of section 19a-906 of the general
223 statutes, during the period beginning on the effective date of this section
224 and ending on June 30, 2023, any Connecticut entity, institution or
225 health care provider that engages or contracts with a telehealth provider
226 that is licensed, certified or registered in another state or territory of the
227 United States or the District of Columbia to provide health care or other
228 health services shall verify the credentials of such provider in the state
229 in which he or she is licensed, certified or registered, ensure that such a
230 provider is in good standing in such state, and confirm that such
231 provider maintains professional liability insurance or other indemnity
232 against liability for professional malpractice in an amount that is equal
233 to or greater than that required for similarly licensed, certified or
234 registered Connecticut health care providers.

235 (l) Notwithstanding sections 4-168 to 4-174, inclusive, of the general
236 statutes, from the period beginning on the effective date of this section
237 and ending on June 30, 2023, the Commissioner of Public Health may
238 temporarily waive, modify or suspend any regulatory requirements

239 adopted by the Commissioner of Public Health or any boards or
240 commissions under chapters 368a, 368d, 368v, 369 to 381a, inclusive,
241 382a, 383 to 388, inclusive, 397a, 398, 399, 400a, 400c, 400j and 474 of the
242 general statutes as the Commissioner of Public Health deems necessary
243 to reduce the spread of COVID-19 and to protect the public health for
244 the purpose of providing residents of this state with telehealth services
245 from out-of-state practitioners.

246 Sec. 2. Subsection (c) of section 21a-249 of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective from*
248 *passage*):

249 (c) A licensed practitioner shall not be required to electronically
250 transmit a prescription when:

251 (1) Electronic transmission is not available due to a temporary
252 technological or electrical failure. In the event of a temporary
253 technological or electrical failure, the practitioner shall, without undue
254 delay, reasonably attempt to correct any cause for the failure that is
255 within his or her control. A practitioner who issues a prescription, but
256 fails to electronically transmit the prescription, as permitted by this
257 subsection, shall document the reason for the practitioner's failure to
258 electronically transmit the prescription in the patient's medical record
259 as soon as practicable, but in no instance more than seventy-two hours
260 following the end of the temporary technological or electrical failure
261 that prevented the electronic transmittal of the prescription. For
262 purposes of this subdivision, "temporary technological or electrical
263 failure" means failure of a computer system, application or device or the
264 loss of electrical power to such system, application or device, or any
265 other service interruption to such system, application or device that
266 reasonably prevents the practitioner from utilizing his or her certified
267 application to electronically transmit the prescription in accordance
268 with subsection (b) of this section;

269 (2) The practitioner reasonably determines that it would be
270 impractical for the patient to obtain substances prescribed by an

271 electronically transmitted prescription in a timely manner and that such
272 delay would adversely impact the patient's medical condition, provided
273 if such prescription is for a controlled substance, the quantity of such
274 controlled substance does not exceed a five-day supply for the patient,
275 if the controlled substance was used in accordance with the directions
276 for use. A practitioner who issues a prescription, but fails to
277 electronically transmit the prescription, as permitted by this subsection,
278 shall document the reason for the practitioner's failure to electronically
279 transmit the prescription in the patient's medical record;

280 (3) The prescription is to be dispensed by a pharmacy located outside
281 this state. A practitioner who issues a prescription, but fails to
282 electronically transmit the prescription, as permitted by this subsection,
283 shall document the reason for the practitioner's failure to electronically
284 transmit the prescription in the patient's medical record;

285 (4) Use of an electronically transmitted prescription may negatively
286 impact patient care, such as a prescription containing two or more
287 products to be compounded by a pharmacist, a prescription for direct
288 administration to a patient by parenteral, intravenous, intramuscular,
289 subcutaneous or intraspinal infusion, a prescription that contains long
290 or complicated directions, a prescription that requires certain elements
291 to be included by the federal Food and Drug and Administration, or an
292 oral prescription communicated to a pharmacist by a health care
293 practitioner for a patient in a chronic and convalescent nursing home,
294 licensed pursuant to chapter 368v; or

295 (5) The practitioner demonstrates, in a form and manner prescribed
296 by the commissioner, that such practitioner does not have the
297 technological capacity to issue electronically transmitted prescriptions.
298 For the purposes of this subsection, "technological capacity" means
299 possession of a computer system, hardware or device that can be used
300 to electronically transmit controlled substance prescriptions consistent
301 with the requirements of the federal Controlled Substances Act, 21 USC
302 801, as amended from time to time. The provisions of this subdivision
303 shall not apply to a practitioner when such practitioner is prescribing as

304 a telehealth provider, as defined in section 19a-906, [or] section 1 of
305 public act 20-2 of the July special session or section 1 of this act, as
306 applicable, pursuant to subsection (c) of section 19a-906, [or] subsection
307 (c) of section 1 of public act 20-2 of the July special session or subsection
308 (c) of section 1 of this act, as applicable.

309 Sec. 3. (*Effective from passage*) (a) For the purposes of this section:

310 (1) "Asynchronous" has the same meaning as provided in section 19a-
311 906 of the general statutes;

312 (2) "Originating site" has the same meaning as provided in section
313 19a-906 of the general statutes;

314 (3) "Remote patient monitoring" has the same meaning as provided
315 in section 19a-906 of the general statutes;

316 (4) "Store and forward transfer" has the same meaning as provided in
317 section 19a-906 of the general statutes;

318 (5) "Synchronous" has the same meaning as provided in section 19a-
319 906 of the general statutes;

320 (6) "Telehealth" means the mode of delivering health care or other
321 health services via information and communication technologies to
322 facilitate the diagnosis, consultation and treatment, education, care
323 management and self-management of an insured's physical, oral and
324 mental health, and includes interaction between the insured at the
325 originating site and the telehealth provider at a distant site, synchronous
326 interactions, asynchronous store and forward transfers or remote
327 patient monitoring, but does not include interaction through (A)
328 facsimile, texting or electronic mail, or (B) audio-only telephone if the
329 telehealth provider is out-of-network; and

330 (7) "Telehealth provider" means any person who (A) provides health
331 care or other health services through the use of telehealth within such
332 person's scope of practice and in accordance with the standard of care
333 applicable to such person's profession, and (B) is (i) a physician or

334 physician assistant licensed under chapter 370 of the general statutes,
335 physical therapist or physical therapist assistant licensed under chapter
336 376 of the general statutes, chiropractor licensed under chapter 372 of
337 the general statutes, naturopath licensed under chapter 373 of the
338 general statutes, podiatrist licensed under chapter 375 of the general
339 statutes, occupational therapist or occupational therapy assistant
340 licensed under chapter 376a of the general statutes, optometrist licensed
341 under chapter 380 of the general statutes, registered nurse or advanced
342 practice registered nurse licensed under chapter 378 of the general
343 statutes, psychologist licensed under chapter 383 of the general statutes,
344 marital and family therapist licensed under chapter 383a of the general
345 statutes, clinical social worker or master social worker licensed under
346 chapter 383b of the general statutes, alcohol and drug counselor licensed
347 under chapter 376b of the general statutes, professional counselor
348 licensed under chapter 383c of the general statutes, dietitian-nutritionist
349 certified under chapter 384b of the general statutes, speech and
350 language pathologist licensed under chapter 399 of the general statutes,
351 respiratory care practitioner licensed under chapter 381a of the general
352 statutes, audiologist licensed under chapter 397a of the general statutes,
353 pharmacist licensed under chapter 400j of the general statutes,
354 paramedic licensed pursuant to chapter 384d of the general statutes,
355 nurse-midwife licensed under chapter 377 of the general statutes,
356 dentist licensed under chapter 379 of the general statutes, behavior
357 analyst licensed under chapter 382a of the general statutes, genetic
358 counselor licensed under chapter 383d of the general statutes, music
359 therapist certified in the manner described in chapter 383f of the general
360 statutes, art therapist certified in the manner described in chapter 383g
361 of the general statutes or athletic trainer licensed under chapter 375a of
362 the general statutes, or (ii) an in-network and appropriately licensed,
363 certified or registered physician, physician assistant, physical therapist,
364 physical therapist assistant, chiropractor, naturopath, podiatrist,
365 occupational therapist, occupational therapy assistant, optometrist,
366 registered nurse, advanced practice registered nurse, psychologist,
367 marital and family therapist, clinical social worker, master social
368 worker, alcohol and drug counselor, professional counselor, dietitian-

369 nutritionist, speech and language pathologist, respiratory care
370 practitioner, audiologist, pharmacist, paramedic, nurse-midwife,
371 dentist, behavior analyst, genetic counselor, music therapist, art
372 therapist or athletic trainer, in another state or territory of the United
373 States or the District of Columbia, that provides telehealth services
374 pursuant to his or her authority under any relevant order issued by the
375 Commissioner of Public Health and maintains professional liability
376 insurance or other indemnity against liability for professional
377 malpractice in an amount that is equal to or greater than that required
378 for similarly licensed, certified or registered Connecticut health care
379 providers.

380 (b) Notwithstanding any provision of the general statutes, each
381 individual health insurance policy that provides coverage of the type
382 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of
383 the general statutes that is effective at any time during the period
384 beginning on the effective date of this section and ending on June 30,
385 2023, shall, at all times that the policy remains in effect during such
386 period, provide coverage for medical advice, diagnosis, care or
387 treatment provided through telehealth, to the same extent coverage is
388 provided for such advice, diagnosis, care or treatment when provided
389 to the insured in person. The policy shall not, at any time during such
390 period, exclude coverage for a service that is appropriately provided
391 through telehealth because such service is provided through telehealth
392 or a telehealth platform selected by an in-network telehealth provider.

393 (c) Notwithstanding any provision of the general statutes, no
394 telehealth provider who receives a reimbursement for a covered service
395 provided through telehealth in accordance with subsection (b) of this
396 section shall seek any payment for such service from the insured who
397 received such service, except for any coinsurance, copayment,
398 deductible or other out-of-pocket expense set forth in the insured's
399 policy. Such amount shall be deemed by the telehealth provider to be
400 payment in full.

401 (d) Nothing in this section shall prohibit or limit a health insurer,

402 health care center, hospital service corporation, medical service
403 corporation or other entity from conducting utilization review for
404 telehealth services, provided such utilization review is conducted in the
405 same manner and uses the same clinical review criteria as a utilization
406 review for an in-person consultation for the same service. Except as
407 provided in subsection (b) or (c) of this section, the coverage required
408 under subsection (b) of this section shall be subject to the same terms
409 and conditions applicable to all other benefits under the policy
410 providing such coverage.

411 Sec. 4. (*Effective from passage*) (a) For the purposes of this section:

412 (1) "Asynchronous" has the same meaning as provided in section 19a-
413 906 of the general statutes;

414 (2) "Originating site" has the same meaning as provided in section
415 19a-906 of the general statutes;

416 (3) "Remote patient monitoring" has the same meaning as provided
417 in section 19a-906 of the general statutes;

418 (4) "Store and forward transfer" has the same meaning as provided in
419 section 19a-906 of the general statutes;

420 (5) "Synchronous" has the same meaning as provided in section 19a-
421 906 of the general statutes;

422 (6) "Telehealth" means the mode of delivering health care or other
423 health services via information and communication technologies to
424 facilitate the diagnosis, consultation and treatment, education, care
425 management and self-management of an insured's physical, oral and
426 mental health, and includes interaction between the insured at the
427 originating site and the telehealth provider at a distant site, synchronous
428 interactions, asynchronous store and forward transfers or remote
429 patient monitoring, but does not include interaction through (A)
430 facsimile, texting or electronic mail, or (B) audio-only telephone if the
431 telehealth provider is out-of-network; and

432 (7) "Telehealth provider" means any person who (A) provides health
433 care or other health services through the use of telehealth within such
434 person's scope of practice and in accordance with the standard of care
435 applicable to such person's profession, and (B) is (i) a physician or
436 physician assistant licensed under chapter 370 of the general statutes,
437 physical therapist or physical therapist assistant licensed under chapter
438 376 of the general statutes, chiropractor licensed under chapter 372 of
439 the general statutes, naturopath licensed under chapter 373 of the
440 general statutes, podiatrist licensed under chapter 375 of the general
441 statutes, occupational therapist or occupational therapy assistant
442 licensed under chapter 376a of the general statutes, optometrist licensed
443 under chapter 380 of the general statutes, registered nurse or advanced
444 practice registered nurse licensed under chapter 378 of the general
445 statutes, psychologist licensed under chapter 383 of the general statutes,
446 marital and family therapist licensed under chapter 383a of the general
447 statutes, clinical social worker or master social worker licensed under
448 chapter 383b of the general statutes, alcohol and drug counselor licensed
449 under chapter 376b of the general statutes, professional counselor
450 licensed under chapter 383c of the general statutes, dietitian-nutritionist
451 certified under chapter 384b of the general statutes, speech and
452 language pathologist licensed under chapter 399 of the general statutes,
453 respiratory care practitioner licensed under chapter 381a of the general
454 statutes, audiologist licensed under chapter 397a of the general statutes,
455 pharmacist licensed under chapter 400j of the general statutes,
456 paramedic licensed pursuant to chapter 384d of the general statutes,
457 nurse-midwife licensed under chapter 377 of the general statutes,
458 dentist licensed under chapter 379 of the general statutes, behavior
459 analyst licensed under chapter 382a of the general statutes, genetic
460 counselor licensed under chapter 383d of the general statutes, music
461 therapist certified in the manner described in chapter 383f of the general
462 statutes, art therapist certified in the manner described in chapter 383g
463 of the general statutes or athletic trainer licensed under chapter 375a of
464 the general statutes, or (ii) an in-network and appropriately licensed,
465 certified or registered physician, physician assistant, physical therapist,
466 physical therapist assistant, chiropractor, naturopath, podiatrist,

467 occupational therapist, occupational therapy assistant, optometrist,
468 registered nurse, advanced practice registered nurse, psychologist,
469 marital and family therapist, clinical social worker, master social
470 worker, alcohol and drug counselor, professional counselor, dietitian-
471 nutritionist, speech and language pathologist, respiratory care
472 practitioner, audiologist, pharmacist, paramedic, nurse-midwife,
473 dentist, behavior analyst, genetic counselor, music therapist, art
474 therapist or athletic trainer, in another state or territory of the United
475 States or the District of Columbia, that provides telehealth services
476 pursuant to his or her authority under any relevant order issued by the
477 Commissioner of Public Health and maintains professional liability
478 insurance or other indemnity against liability for professional
479 malpractice in an amount that is equal to or greater than that required
480 for similarly licensed, certified or registered Connecticut health care
481 providers.

482 (b) Notwithstanding any provision of the general statutes, each
483 group health insurance policy that provides coverage of the type
484 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of
485 the general statutes that is effective at any time during the period
486 beginning on the effective date of this section and ending on June 30,
487 2023, shall, at all times that the policy remains in effect during such
488 period, provide coverage for medical advice, diagnosis, care or
489 treatment provided through telehealth, to the same extent coverage is
490 provided for such advice, diagnosis, care or treatment when provided
491 to the insured in person. The policy shall not, at any time during such
492 period, exclude coverage for a service that is appropriately provided
493 through telehealth because such service is provided through telehealth
494 or a telehealth platform selected by an in-network telehealth provider.

495 (c) Notwithstanding any provision of the general statutes, no
496 telehealth provider who receives a reimbursement for a covered service
497 provided through telehealth in accordance with subsection (b) of this
498 section shall seek any payment for such service from the insured who
499 received such service, except for any coinsurance, copayment,
500 deductible or other out-of-pocket expense set forth in the insured's

501 policy. Such amount shall be deemed by the telehealth provider to be
502 payment in full.

503 (d) Nothing in this section shall prohibit or limit a health insurer,
504 health care center, hospital service corporation, medical service
505 corporation or other entity from conducting utilization review for
506 telehealth services, provided such utilization review is conducted in the
507 same manner and uses the same clinical review criteria as a utilization
508 review for an in-person consultation for the same service. Except as
509 provided in subsection (b) or (c) of this section, the coverage required
510 under subsection (b) of this section shall be subject to the same terms
511 and conditions applicable to all other benefits under the policy
512 providing such coverage.

513 Sec. 5. (*Effective from passage*) (a) As used in this section:

514 (1) "Health carrier" has the same meaning as provided in section 38a-
515 1080 of the general statutes;

516 (2) "Insured" has the same meaning as provided in section 38a-1 of
517 the general statutes;

518 (3) "Telehealth" has the same meaning as provided in sections 3 and
519 4 of this act; and

520 (4) "Telehealth provider" has the same meaning as provided in
521 sections 3 and 4 of this act.

522 (b) Notwithstanding any provision of the general statutes, no health
523 carrier shall reduce the amount of a reimbursement paid to a telehealth
524 provider for covered health care or health services that the telehealth
525 provider appropriately provided to an insured through telehealth
526 during the period beginning on the effective date of this section and
527 ending on June 30, 2023, because the telehealth provider provided such
528 health care or health services to the patient through telehealth and not
529 in person.

530 Sec. 6. (*Effective from passage*) (a) As used in this section:

531 (1) "Telehealth" means the mode of delivering health care or other
532 health services via information and communication technologies to
533 facilitate the diagnosis, consultation and treatment, education, care
534 management and self-management of a patient's physical, oral and
535 mental health, and includes (A) interaction between the patient at the
536 originating site and the telehealth provider at a distant site, and (B)
537 synchronous interactions, asynchronous store and forward transfers or
538 remote patient monitoring. "Telehealth" does not include the use of
539 facsimile, texting or electronic mail.

540 (2) "Connecticut medical assistance program" means the state's
541 Medicaid program and the Children's Health Insurance Program under
542 Title XXI of the Social Security Act, as amended from time to time.

543 (b) Notwithstanding the provisions of section 17b-245c, 17b-245e or
544 19a-906 of the general statutes, or any other section, regulation, rule,
545 policy or procedure governing the Connecticut medical assistance
546 program, the Commissioner of Social Services may, in the
547 commissioner's discretion and to the extent permissible under federal
548 law, provide coverage under the Connecticut medical assistance
549 program for audio-only telehealth services for the period beginning on
550 the effective date of this section and ending on June 30, 2023.

551 Sec. 7. (*Effective from passage*) (a) As used in this section:

552 (1) "Advanced practice registered nurse" means an advanced practice
553 registered nurse licensed pursuant to chapter 378 of the general statutes;

554 (2) "Physician" has the same meaning as provided in section 21a-408
555 of the general statutes;

556 (3) "Qualifying patient" has the same meaning as provided in section
557 21a-408 of the general statutes; and

558 (4) "Written certification" has the same meaning as provided in
559 section 21a-408 of the general statutes.

560 (b) Notwithstanding the provisions of sections 21a-408 to 21a-408n,

561 inclusive, of the general statutes, or any other section, regulation, rule,
 562 policy or procedure concerning the certification of medical marijuana
 563 patients, a physician or advanced practice registered nurse may issue a
 564 written certification to a qualifying patient and provide any follow-up
 565 care using telehealth services during the period beginning on the
 566 effective date of this section and ending on June 30, 2023, provided all
 567 other requirements for issuing the written certification to the qualifying
 568 patient and all recordkeeping requirements are satisfied."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	21a-249(c)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section