



General Assembly

Amendment

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Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

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To: Subst. House Bill No. 5198

File No. 124

Cal. No. 110

"AN ACT CONCERNING TELEHEALTH."

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

3 "Section 1. Section 19a-906 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) As used in this section:

6 (1) "Asynchronous" means any transmission to another site for
7 review at a later time that uses a camera or other technology to capture
8 images or data to be recorded.

9 (2) "Facility fee" has the same meaning as in section 19a-508c.

10 (3) "Health record" means the record of individual, health-related
11 information that may include, but need not be limited to, continuity of

12 care documents, discharge summaries and other information or data
13 relating to a patient's demographics, medical history, medication,
14 allergies, immunizations, laboratory test results, radiology or other
15 diagnostic images, vital signs and statistics.

16 (4) "Medical history" means information, including, but not limited
17 to, a patient's past illnesses, medications, hospitalizations, family
18 history of illness if known, the name and address of the patient's
19 primary care provider if known and other matters relating to the health
20 condition of the patient at the time of a telehealth interaction.

21 (5) "Medication-assisted treatment" means the use of medications
22 approved by the federal Food and Drug Administration, in combination
23 with counseling and behavioral therapies, to provide a whole-patient
24 approach to the treatment of substance use disorders.

25 (6) "Originating site" means a site at which a patient is located at the
26 time health care services are provided to the patient by means of
27 telehealth.

28 (7) "Peripheral devices" means the instruments a telehealth provider
29 uses to perform a patient exam, including, but not limited to,
30 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
31 thermometer, tongue depressor and reflex hammer.

32 (8) "Remote patient monitoring" means the personal health and
33 medical data collection from a patient in one location via electronic
34 communication technologies that is then transmitted to a telehealth
35 provider located at a distant site for the purpose of health care
36 monitoring to assist the effective management of the patient's treatment,
37 care and related support.

38 (9) "Store and forward transfer" means the asynchronous
39 transmission of a patient's medical information from an originating site
40 to the telehealth provider at a distant site.

41 (10) "Synchronous" means real-time interactive technology.

42 (11) "Telehealth" means the mode of delivering health care or other
43 health services via information and communication technologies to
44 facilitate the diagnosis, consultation and treatment, education, care
45 management and self-management of a patient's physical and mental
46 health, and includes (A) interaction between the patient at the
47 originating site and the telehealth provider at a distant site, and (B)
48 synchronous interactions, asynchronous store and forward transfers or
49 remote patient monitoring. [Telehealth] "Telehealth" does not include
50 the use of facsimile, [audio-only telephone,] texting or electronic mail.

51 (12) "Telehealth provider" means (A) [any physician licensed under
52 chapter 370, physical therapist licensed under chapter 376, chiropractor
53 licensed under chapter 372, naturopath licensed under chapter 373,
54 podiatrist licensed under chapter 375, occupational therapist licensed
55 under chapter 376a, optometrist licensed under chapter 380, registered
56 nurse or advanced practice registered nurse licensed under chapter 378,
57 physician assistant licensed under chapter 370, psychologist licensed
58 under chapter 383, marital and family therapist licensed under chapter
59 383a, clinical social worker or master social worker licensed under
60 chapter 383b, alcohol and drug counselor licensed under chapter 376b,
61 professional counselor licensed under chapter 383c, dietitian-
62 nutritionist certified under chapter 384b, speech and language
63 pathologist licensed under chapter 399, respiratory care practitioner
64 licensed under chapter 381a, audiologist licensed under chapter 397a,
65 pharmacist licensed under chapter 400j or paramedic licensed pursuant
66 to chapter 384d] any health care provider licensed by the Department of
67 Public Health pursuant to title 20 of the general statutes and any
68 pharmacist licensed by the Department of Consumer Protection
69 pursuant to title 20 of the general statutes who is providing health care
70 or other health services through the use of telehealth within such
71 [person's] provider's scope of practice and in accordance with the
72 standard of care applicable to the profession, and (B) [on and after July
73 1, 2024] on or before June 30, 2025, an appropriately licensed, certified
74 or registered physician, naturopath, registered nurse, advanced practice
75 registered nurse, physician assistant, psychologist, marital and family

76 therapist, clinical social worker, master social worker, alcohol and drug
77 counselor, professional counselor, dietitian-nutritionist, nurse-midwife,
78 behavior analyst, music therapist or art therapist, in another state or
79 territory of the United States or the District of Columbia, who [(i)
80 provides telehealth services under any relevant order issued pursuant
81 to section 19a-906a, (ii)] (i) provides mental or behavioral health care
82 through the use of telehealth within such person's scope of practice and
83 in accordance with the standard of care applicable to the profession,
84 [and (iii)] (ii) maintains professional liability insurance, or other
85 indemnity against liability for professional malpractice, in an amount
86 that is equal to or greater than that required for similarly licensed,
87 certified or registered Connecticut mental or behavioral health care
88 providers, (iii) registers with the Department of Public Health as a
89 provider of mental or behavioral health care in the state through the use
90 of telehealth prior to providing telehealth to a patient in the state, and
91 (iv) applies to the Department of Public Health for a license as a mental
92 or behavioral health care provider pursuant to title 20 of the general
93 statutes not later than ninety days after registering with the department
94 pursuant to clause (iii) of this subparagraph.

95 (b) (1) A telehealth provider shall only provide telehealth services to
96 a patient when the telehealth provider: (A) Is communicating through
97 real-time, interactive, two-way communication technology or store and
98 forward technologies; (B) has access to, or knowledge of, the patient's
99 medical history, as provided by the patient, and the patient's health
100 record, including the name and address of the patient's primary care
101 provider, if any; (C) conforms to the standard of care applicable to the
102 telehealth provider's profession and expected for in-person care as
103 appropriate to the patient's age and presenting condition, except when
104 the standard of care requires the use of diagnostic testing and
105 performance of a physical examination, such testing or examination
106 may be carried out through the use of peripheral devices appropriate to
107 the patient's condition; and (D) provides the patient with the telehealth's
108 provider license number and contact information.

109 (2) At the time of the telehealth provider's first telehealth interaction

110 with a patient, the telehealth provider shall inform the patient
111 concerning the treatment methods and limitations of treatment using a
112 telehealth platform and, after providing the patient with such
113 information, obtain the patient's consent to provide telehealth services.
114 The telehealth provider shall document such notice and consent in the
115 patient's health record. If a patient later revokes such consent, the
116 telehealth provider shall document the revocation in the patient's health
117 record.

118 (c) Notwithstanding the provisions of this section or title 20, no
119 telehealth provider shall prescribe any schedule I, II or III controlled
120 substance through the use of telehealth, except a schedule II or III
121 controlled substance other than an opioid drug, as defined in section 20-
122 14o, in a manner fully consistent with the Ryan Haight Online Pharmacy
123 Consumer Protection Act, 21 USC 829(e), as amended from time to time,
124 for the treatment of a person with a psychiatric disability or substance
125 use disorder, as defined in section 17a-458, including, but not limited to,
126 medication-assisted treatment. A telehealth provider using telehealth to
127 prescribe a schedule II or III controlled substance pursuant to this
128 subsection shall electronically submit the prescription pursuant to
129 section 21a-249, as amended by this act.

130 (d) Each telehealth provider shall, at the time of the initial telehealth
131 interaction, ask the patient whether the patient consents to the telehealth
132 provider's disclosure of records concerning the telehealth interaction to
133 the patient's primary care provider. If the patient consents to such
134 disclosure, the telehealth provider shall provide records of all telehealth
135 interactions to the patient's primary care provider, in a timely manner,
136 in accordance with the provisions of sections 20-7b to 20-7e, inclusive.

137 (e) Any consent required under this section shall be obtained from
138 the patient, or the patient's legal guardian, conservator or other
139 authorized representative, as applicable.

140 (f) The provision of telehealth services and health records maintained
141 and disclosed as part of a telehealth interaction shall comply with the

142 provisions of the Health Insurance Portability and Accountability Act of
143 1996 P.L. 104-191, as amended from time to time.

144 (g) Nothing in this section shall prohibit: (1) A health care provider
145 from providing on-call coverage pursuant to an agreement with another
146 health care provider or such health care provider's professional entity
147 or employer; (2) a health care provider from consulting with another
148 health care provider concerning a patient's care; (3) orders of health care
149 providers for hospital outpatients or inpatients; or (4) the use of
150 telehealth for a hospital inpatient, including for the purpose of ordering
151 any medication or treatment for such patient in accordance with Ryan
152 Haight Online Pharmacy Consumer Protection Act, 21 USC 829(e), as
153 amended from time to time. For purposes of this subsection, "health care
154 provider" means a person or entity licensed or certified pursuant to
155 chapter 370, 372, 373, 375 [376] to 376b, inclusive, 377, 378, 379, 380,
156 381a, 382, 382a, 383 to [383c] 383d, inclusive, 383f, 383g, 384b, 384d, 397a,
157 399 or 400j, or licensed or certified pursuant to chapter 368d or 384d.

158 (h) No telehealth provider or hospital shall charge a facility fee for
159 telehealth services. Such prohibition shall apply to hospital telehealth
160 services whether provided on campus or otherwise. For purposes of this
161 subsection, "hospital" has the same meaning as provided in section 19a-
162 490 and "campus" has the same meaning as provided in section 19a-
163 508c.

164 (i) (1) No telehealth provider shall provide health care or health
165 services to a patient through telehealth unless the telehealth provider
166 has determined whether the patient has health coverage for such health
167 care or health services, and, if the patient has such health coverage,
168 whether the patient elects to (A) use such health coverage, or (B) pay the
169 telehealth provider directly for such health care or health services
170 without using such coverage.

171 (2) Notwithstanding any provision of the general statutes, a
172 telehealth provider who agrees to provide health care or health services
173 to a patient through telehealth shall accept as full payment for such

174 health care or health services:

175 (A) An amount that is equal to the amount that Medicare reimburses
176 for such health care or health services if the telehealth provider
177 determines that the patient does not have health coverage for such
178 health care or health services; or

179 (B) The amount that the patient's health coverage reimburses and any
180 coinsurance, copayment, deductible or other out-of-pocket expense
181 imposed by the patient's health coverage for such health care or health
182 services if the telehealth provider determines that the patient has health
183 coverage for such health care or health services.

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

189 (4) Nothing in this subsection shall be construed to prohibit a patient
190 from paying a telehealth provider directly for health care or health
191 services without seeking coverage from a health carrier for such health
192 care or health services.

193 (j) Subject to compliance with all applicable federal requirements,
194 state licensing standards, state telehealth laws or any regulation
195 adopted thereunder, a telehealth provider may provide telehealth
196 services pursuant to the provisions of this section from any location to a
197 patient in any location.

198 (k) Any Connecticut entity, institution or health care provider, that
199 engages or contracts with a telehealth provider who is licensed, certified
200 or registered in another state or territory of the United States or the
201 District of Columbia to provide health care or other health services, shall
202 (1) verify the credentials of such telehealth provider in the state in which
203 such provider is licensed, certified or registered, (2) ensure that such
204 telehealth provider is in good standing in such state, and (3) confirm

205 that such telehealth provider maintains professional liability insurance
206 or other indemnity against liability for professional malpractice in an
207 amount that is equal to or greater than that required for similarly
208 licensed, certified or registered health care or other services health
209 provider in the state.

210 Sec. 2. Subdivision (5) of subsection (c) of section 21a-249 of the 2024
211 supplement to the general statutes is repealed and the following is
212 substituted in lieu thereof (*Effective from passage*):

213 (5) The practitioner demonstrates, in a form and manner prescribed
214 by the commissioner, that such practitioner does not have the
215 technological capacity to issue an electronically transmitted
216 prescription. For the purposes of this subsection, "technological
217 capacity" means possession of a computer system, hardware or device
218 that can be used to electronically transmit controlled substance
219 prescriptions consistent with the requirements of the federal Controlled
220 Substances Act, 21 USC 801, as amended from time to time. The
221 provisions of this subdivision shall not apply to a practitioner when
222 such practitioner is prescribing as a telehealth provider, as defined in
223 section 19a-906, as amended by this act, [section 1 of public act 20-2 of
224 the July special session or section 1 of public act 21-9, as applicable,]
225 pursuant to subsection (c) of said section. [19a-906, subsection (c) of
226 section 1 of public act 20-2 of the July special session or subsection (c) of
227 section 1 of public act 21-9, as applicable.]

228 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

229 (1) "Health carrier" has the same meaning as provided in section 38a-
230 1080 of the general statutes;

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

233 (3) "Telehealth" has the same meaning as provided in section 19a-906
234 of the general statutes, as amended by this act; and

235 (4) "Telehealth provider" means any physician licensed under chapter
236 370 of the general statutes, physical therapist licensed under chapter 376
237 of the general statutes, chiropractor licensed under chapter 372 of the
238 general statutes, naturopath licensed under chapter 373 of the general
239 statutes, podiatrist licensed under chapter 375 of the general statutes,
240 occupational therapist licensed under chapter 376a of the general
241 statutes, optometrist licensed under chapter 380 of the general statutes,
242 registered nurse or advanced practice registered nurse licensed under
243 chapter 378 of the general statutes, physician assistant licensed under
244 chapter 370 of the general statutes, psychologist licensed under chapter
245 383 of the general statutes, marital and family therapist licensed under
246 chapter 383a of the general statutes, clinical social worker or master
247 social worker licensed under chapter 383b of the general statutes,
248 alcohol and drug counselor licensed under chapter 376b of the general
249 statutes, professional counselor licensed under chapter 383c of the
250 general statutes, dietitian-nutritionist certified under chapter 384b of the
251 general statutes, speech and language pathologist licensed under
252 chapter 399 of the general statutes, respiratory care practitioner licensed
253 under chapter 381a of the general statutes, audiologist licensed under
254 chapter 397a of the general statutes, pharmacist licensed under chapter
255 400j of the general statutes or paramedic licensed pursuant to chapter
256 384d of the general statutes who is providing health care or other health
257 services through the use of telehealth within such person's scope of
258 practice and in accordance with the standard of care applicable to the
259 profession.

260 (b) Notwithstanding any provision of title 38a of the general statutes,
261 no health carrier shall reduce the amount of a reimbursement paid to a
262 telehealth provider for covered health care or health services that the
263 telehealth provider appropriately provided to an insured through
264 telehealth because the telehealth provider provided such health care or
265 health services to the patient through telehealth and not in person.

266 Sec. 4. Subsection (a) of section 38a-499a of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective from*
268 *passage*):

269 (a) As used in this section, (1) "telehealth" has the same meaning as
270 provided in section 19a-906, as amended by this act, and (2) "telehealth
271 provider" means any physician licensed under chapter 370, physical
272 therapist licensed under chapter 376, chiropractor licensed under
273 chapter 372, naturopath licensed under chapter 373, podiatrist licensed
274 under chapter 375, occupational therapist licensed under chapter 376a,
275 optometrist licensed under chapter 380, registered nurse or advanced
276 practice registered nurse licensed under chapter 378, physician assistant
277 licensed under chapter 370, psychologist licensed under chapter 383,
278 marital and family therapist licensed under chapter 383a, clinical social
279 worker or master social worker licensed under chapter 383b, alcohol
280 and drug counselor licensed under chapter 376b, professional counselor
281 licensed under chapter 383c, dietitian-nutritionist certified under
282 chapter 384b, speech and language pathologist licensed under chapter
283 399, respiratory care practitioner licensed under chapter 381a,
284 audiologist licensed under chapter 397a, pharmacist licensed under
285 chapter 400j or paramedic licensed pursuant to chapter 384d who is
286 providing health care or other health services through the use of
287 telehealth within such person's scope of practice and in accordance with
288 the standard of care applicable to the profession.

289 Sec. 5. Subsection (a) of section 38a-499a of the general statutes, as
290 amended by section 39 of public act 22-81, is repealed and the following
291 is substituted in lieu thereof (*Effective July 1, 2024*):

292 (a) As used in this section, (1) "telehealth" has the same meaning as
293 provided in section 19a-906, as amended by this act, and (2) "telehealth
294 provider" means any physician licensed under chapter 370, physical
295 therapist licensed under chapter 376, chiropractor licensed under
296 chapter 372, naturopath licensed under chapter 373, podiatrist licensed
297 under chapter 375, occupational therapist licensed under chapter 376a,
298 optometrist licensed under chapter 380, registered nurse or advanced
299 practice registered nurse licensed under chapter 378, physician assistant
300 licensed under chapter 370, psychologist licensed under chapter 383,
301 marital and family therapist licensed under chapter 383a, clinical social
302 worker or master social worker licensed under chapter 383b, alcohol

303 and drug counselor licensed under chapter 376b, professional counselor
304 licensed under chapter 383c, dietitian-nutritionist certified under
305 chapter 384b, speech and language pathologist licensed under chapter
306 399, respiratory care practitioner licensed under chapter 381a,
307 audiologist licensed under chapter 397a, pharmacist licensed under
308 chapter 400j or paramedic licensed pursuant to chapter 384d who is
309 providing health care or other health services through the use of
310 telehealth within such person's scope of practice and in accordance with
311 the standard of care applicable to the profession.

312 Sec. 6. Subsection (a) of section 38a-526a of the general statutes is
313 repealed and the following is substituted in lieu thereof (*Effective from*
314 *passage*):

315 (a) As used in this section, (1) "telehealth" has the same meaning as
316 provided in section 19a-906, as amended by this act, and (2) "telehealth
317 provider" means any physician licensed under chapter 370, physical
318 therapist licensed under chapter 376, chiropractor licensed under
319 chapter 372, naturopath licensed under chapter 373, podiatrist licensed
320 under chapter 375, occupational therapist licensed under chapter 376a,
321 optometrist licensed under chapter 380, registered nurse or advanced
322 practice registered nurse licensed under chapter 378, physician assistant
323 licensed under chapter 370, psychologist licensed under chapter 383,
324 marital and family therapist licensed under chapter 383a, clinical social
325 worker or master social worker licensed under chapter 383b, alcohol
326 and drug counselor licensed under chapter 376b, professional counselor
327 licensed under chapter 383c, dietitian-nutritionist certified under
328 chapter 384b, speech and language pathologist licensed under chapter
329 399, respiratory care practitioner licensed under chapter 381a,
330 audiologist licensed under chapter 397a, pharmacist licensed under
331 chapter 400j or paramedic licensed pursuant to chapter 384d who is
332 providing health care or other health services through the use of
333 telehealth within such person's scope of practice and in accordance with
334 the standard of care applicable to the profession.

335 Sec. 7. Subsection (a) of section 38a-526a of the general statutes, as

336 amended by section 40 of public act 22-81, is repealed and the following
337 is substituted in lieu thereof (*Effective July 1, 2024*):

338 (a) As used in this section, (1) "telehealth" has the same meaning as
339 provided in section 19a-906, as amended by this act, and (2) "telehealth
340 provider" means any physician licensed under chapter 370, physical
341 therapist licensed under chapter 376, chiropractor licensed under
342 chapter 372, naturopath licensed under chapter 373, podiatrist licensed
343 under chapter 375, occupational therapist licensed under chapter 376a,
344 optometrist licensed under chapter 380, registered nurse or advanced
345 practice registered nurse licensed under chapter 378, physician assistant
346 licensed under chapter 370, psychologist licensed under chapter 383,
347 marital and family therapist licensed under chapter 383a, clinical social
348 worker or master social worker licensed under chapter 383b, alcohol
349 and drug counselor licensed under chapter 376b, professional counselor
350 licensed under chapter 383c, dietitian-nutritionist certified under
351 chapter 384b, speech and language pathologist licensed under chapter
352 399, respiratory care practitioner licensed under chapter 381a,
353 audiologist licensed under chapter 397a, pharmacist licensed under
354 chapter 400j or paramedic licensed pursuant to chapter 384d who is
355 providing health care or other health services through the use of
356 telehealth within such person's scope of practice and in accordance with
357 the standard of care applicable to the profession.

358 Sec. 8. (*Effective from passage*) The Department of Public Health shall
359 collect the following data regarding each telehealth provider who
360 registers with the department pursuant to subparagraph (B)(iii) of
361 subdivision (12) of subsection (a) of section 19a-906 of the general
362 statutes, as amended by this act, and each out-of-state health care
363 provider who applies to the department for a license pursuant to title 20
364 of the general statutes on and after the effective date of this section. Not
365 later than January 1, 2025, and, thereafter, not later than July 1, 2025, the
366 Commissioner of Public Health shall report, in accordance with the
367 provisions of section 11-4a of the general statutes, to the joint standing
368 committees of the General Assembly having cognizance of matters
369 relating to public health regarding the following:

370 (1) The number of such telehealth providers who registered with the
371 department on or after the effective date of this section;

372 (2) The number of such telehealth providers who applied to the
373 department for a license pursuant to subparagraph (B)(iv) of
374 subdivision (12) of subsection (a) of section 19a-906 of the general
375 statutes, as amended by this act, on or after the effective date of this
376 section;

377 (3) The number of such telehealth providers who receive a license
378 from the department on or after the effective date of this section; and

379 (4) The number of such out-of-state health care providers who apply
380 for a license with the department pursuant to title 20 of the general
381 statutes on or after the effective date of this section.

382 Sec. 9. Section 1 of public act 21-9, as amended by section 3 of public
383 act 21-133 and section 32 of public act 22-81, section 3 of public act 21-9,
384 as amended by section 35 of public act 22-81, section 4 of public act 21-
385 9, as amended by section 36 of public act 22-81, section 5 of public act
386 21-9, as amended by section 37 of public act 22-81, and section 6 of public
387 act 21-9, as amended by section 4 of public act 21-133, are repealed.
388 (*Effective from passage*)

389 Sec. 10. Section 19a-906a of the general statutes is repealed. (*Effective*
390 *from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-906
Sec. 2	<i>from passage</i>	21a-249(c)(5)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	38a-499a(a)
Sec. 5	<i>July 1, 2024</i>	38a-499a(a)
Sec. 6	<i>from passage</i>	38a-526a(a)
Sec. 7	<i>July 1, 2024</i>	38a-526a(a)
Sec. 8	<i>from passage</i>	New section

Sec. 9	<i>from passage</i>	Repealer section
Sec. 10	<i>from passage</i>	Repealer section