

HOUSE BILL NO. 5651

December 15, 2021, Introduced by Reps. Liberati, Peterson, Steenland and Garza and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3476 (MCL 500.3476), as amended by 2020 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3476. (1) An insurer that delivers, issues for delivery,
2 or renews in this state a health insurance policy shall not ~~require~~
3 **do any of the following:**

4 **(a) Require** face-to-face contact between a health care
5 professional and a patient for services appropriately provided
6 through telemedicine, as determined by the insurer.

1 (b) Exclude a service for coverage solely because the service
2 is provided through telemedicine services and is not provided
3 through in-person consultation or contact between a health care
4 professional and a patient for services appropriately provided
5 through telemedicine services.

6 (c) Impose any annual or lifetime dollar maximum on coverage
7 for telemedicine services other than an annual or lifetime dollar
8 maximum that applies in the aggregate to all items and services
9 covered under the policy, or impose on any individual receiving
10 benefits under this section any copayment, coinsurance, or
11 deductible amounts, or any policy year, calendar year, lifetime, or
12 other durational benefit limitation or maximum for benefits or
13 services, that is not equally imposed on all terms and services
14 covered under the policy.

15 (d) Impose on coverage for health care services provided
16 through telemedicine a prior authorization requirement for services
17 provided through telemedicine that exceeds the prior authorization
18 requirement for in-person health care services under the policy.

19 (e) Require demonstration that it is necessary to provide
20 services to a patient through telemedicine.

21 (f) Restrict or deny coverage of telemedicine based solely on
22 the communication technology or application used to deliver the
23 telemedicine services.

24 (g) Require a health care professional to be part of a
25 telemedicine network.

26 (2) An insurer that delivers, issues for delivery, or renews
27 in this state a health insurance policy shall do both of the
28 following:

29 (a) Provide coverage for the cost of health care services

1 provided through telemedicine on the same basis and to the same
2 extent that the insurer is responsible for coverage for the
3 provision of the same service through in-person treatment or
4 consultation. Coverage must not be limited to services provided
5 only by select third-party telemedicine providers.

6 (b) Reimburse the treating or consulting physician for the
7 diagnosis, consultation, or treatment of the insured delivered
8 through telemedicine services on the same basis and to the same
9 extent that the insurer is responsible for reimbursement for the
10 provision of the same service through in-person treatment or
11 consultation.

12 (3) An insurer that delivers, issues for delivery, or renews
13 in this state a health insurance policy may do any of the
14 following:

15 (a) Offer a policy containing a deductible, copayment, or
16 coinsurance requirement for a health care service provided through
17 telemedicine services, if the deductible, copayment, or coinsurance
18 does not exceed the deductible, copayment, or coinsurance
19 applicable if the same services were provided through in-person
20 diagnosis, consultation, or treatment.

21 (b) Adopt policies to ensure that health care services
22 provided through telemedicine submitted for payment comply with the
23 same coding, documentation, and other requirements necessary for
24 payment as an in-person service other than the in-person
25 requirement.

26 (4) An insurer that delivers, issues for delivery, or renews
27 in this state a health insurance policy does not satisfy the
28 network adequacy requirements under section 3428 if either of the
29 following applies:

1 (a) The insurer uses contracted telemedicine providers who
2 provide only telemedicine services and do not provide in-person
3 health care services in this state.

4 (b) Patients are not able to access appropriate in-person
5 services in a timely manner on request.

6 (5) Telemedicine services must be provided by a health care
7 professional who is licensed, registered, or otherwise authorized
8 to engage in his or her health care profession in the state where
9 the patient is located. **Telemedicine services must conform to the**
10 **standards of care applicable to the telemedicine provider's**
11 **profession and specialty.** Telemedicine services are subject to all
12 terms and conditions of the health insurance policy agreed ~~upon~~**on**
13 between the policy holder and the insurer, including, but not
14 limited to, required copayments, coinsurances, deductibles, and
15 approved amounts.

16 (6) ~~(2)~~—As used in this section:

17 (a) After December 31, 2017, "insurer" includes a nonprofit
18 dental care corporation operating under 1963 PA 125, MCL 550.351 to
19 550.373.

20 (b) "Telemedicine" means the use of an electronic media to
21 link patients with health care professionals in different
22 locations. To be considered telemedicine under this section, the
23 health care professional must be able to examine the patient via a
24 health insurance portability and accountability act of 1996, Public
25 Law 104-191 compliant, secure interactive audio or video, or both,
26 telecommunications system, or through the use of store and forward
27 online messaging.

28 Enacting section 1. Section 3476 of the insurance code of
29 1956, 1956 PA 218, MCL 500.3476, as amended by this amendatory act,

- 1 applies to health insurance policies delivered, executed, issued,
- 2 amended, adjusted, or renewed in this state, or outside of this
- 3 state if covering residents of this state, after December 31, 2021.