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SENATE BILL 69

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO HEALTH CARE COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE FOR TELEMEDICINE SERVICES; PROVIDING FOR UTILIZATION REVIEW AND APPEAL RIGHTS FOR DENIALS OF TELEMEDICINE COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall include coverage of telemedicine services.

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1 B. A determination by a group health plan that
2 health care services delivered through the use of interactive
3 audio, video or other telecommunications technology are not
4 covered under the plan shall be subject to utilization review
5 and administrative review of adverse utilization review
6 decisions.

7 C. The provisions of this section shall not apply
8 in the event that federal law requires the state to make
9 payments on behalf of enrollees to cover the costs of
10 implementing this section.

11 D. Nothing in this section shall require a health
12 care provider to be physically present with a patient at the
13 originating site unless the consulting telemedicine provider
14 deems it necessary.

15 E. As used in this section:

16 (1) "consulting telemedicine provider" means a
17 health care provider that delivers telemedicine services from a
18 location remote from an originating site;

19 (2) "health care provider" means a person that
20 is licensed, certified or otherwise authorized by law to
21 deliver health care within the regular course of business and
22 that is working within the person's scope of practice;

23 (3) "in real time" means occurring
24 simultaneously, instantaneously or within seconds of an event
25 so that there is little or no noticeable delay between two or

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1 more events;

2 (4) "originating site" means a place at which
3 a patient is physically located and receiving health care
4 services via telemedicine;

5 (5) "store-and-forward technology" means
6 electronic information, imaging and communication, including
7 interactive audio, video and data communications, that is
8 transferred or recorded or otherwise stored for asynchronous
9 use; and

10 (6) "telemedicine" means the use of
11 interactive audio, video or other telecommunications technology
12 by a health care provider to deliver health care services at a
13 site other than the site where the patient is located,
14 including the use of electronic media for consultation relating
15 to the health care diagnosis or treatment of the patient in
16 real time or through the use of store-and-forward technology."

17 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

20 A. An individual or group health insurance policy,
21 health care plan or certificate of health insurance that is
22 delivered, issued for delivery or renewed in this state shall
23 include coverage of telemedicine services.

24 B. A determination by an insurer that health care
25 services delivered through the use of interactive audio, video

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1 or other telecommunications technology are not covered under
2 the plan shall be subject to utilization review and appeal
3 pursuant to Chapter 59A, Article 4 NMSA 1978.

4 C. The provisions of this section shall not apply
5 in the event that federal law requires the state to make
6 payments on behalf of enrollees to cover the costs of
7 implementing this section.

8 D. Nothing in this section shall require a health
9 care provider to be physically present with a patient at the
10 originating site unless the consulting telemedicine provider
11 deems it necessary.

12 E. As used in this section:

13 (1) "consulting telemedicine provider" means a
14 health care provider that delivers telemedicine services from a
15 location remote from an originating site;

16 (2) "health care provider" means a person that
17 is licensed, certified or otherwise authorized by law to
18 deliver health care within the regular course of business and
19 that is working within the person's scope of practice;

20 (3) "in real time" means occurring
21 simultaneously, instantaneously or within seconds of an event
22 so that there is little or no noticeable delay between two or
23 more events;

24 (4) "originating site" means a place at which
25 a patient is physically located and receiving health care

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1 services via telemedicine;

2 (5) "store-and-forward technology" means
3 electronic information, imaging and communication, including
4 interactive audio, video and data communication, that is
5 transferred or recorded or otherwise stored for asynchronous
6 use; and

7 (6) "telemedicine" means the use of
8 interactive audio, video or other telecommunications technology
9 by a health care provider to deliver health care services at a
10 site other than the site where the patient is located,
11 including the use of electronic media for consultation relating
12 to the health care diagnosis or treatment of the patient in
13 real time or through the use of store-and-forward technology."

14 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
15 1978 is enacted to read:

16 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

17 A. A blanket or group health insurance policy or
18 contract that is delivered, issued for delivery or renewed in
19 this state shall include coverage of telemedicine services.

20 B. A determination by an insurer that health care
21 services delivered through the use of interactive audio, video
22 or other telecommunications technology are not covered under
23 the plan shall be subject to utilization review and appeal
24 pursuant to Chapter 59A, Article 4 NMSA 1978.

25 C. The provisions of this section shall not apply

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1 in the event that federal law requires the state to make
2 payments on behalf of enrollees to cover the costs of
3 implementing this section.

4 D. Nothing in this section shall require a health
5 care provider to be physically present with a patient at the
6 originating site unless the consulting telemedicine provider
7 deems it necessary.

8 E. As used in this section:

9 (1) "consulting telemedicine provider" means a
10 health care provider that delivers telemedicine services from a
11 location remote from an originating site;

12 (2) "health care provider" means a person that
13 is licensed, certified or otherwise authorized by law to
14 deliver health care within the regular course of business and
15 that is working within the person's scope of practice;

16 (3) "in real time" means occurring
17 simultaneously, instantaneously or within seconds of an event
18 so that there is little or no noticeable delay between two or
19 more events;

20 (4) "originating site" means a place at which
21 a patient is physically located and receiving health care
22 services via telemedicine;

23 (5) "store-and-forward technology" means
24 electronic information, imaging and communication, including
25 interactive audio, video and data communication, that is

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1 transferred or recorded or otherwise stored for asynchronous
2 use; and

3 (6) "telemedicine" means the use of
4 interactive audio, video or other telecommunications technology
5 by a health care provider to deliver health care services at a
6 site other than the site where the patient is located,
7 including the use of electronic media for consultation relating
8 to the health care diagnosis or treatment of the patient in
9 real time or through the use of store-and-forward technology."

10 SECTION 4. A new section of the Health Maintenance
11 Organization Law is enacted to read:

12 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

13 A. An individual or group health maintenance
14 organization contract that is delivered, issued for delivery or
15 renewed in this state shall include coverage of telemedicine
16 services.

17 B. A determination by a health maintenance
18 organization that health care services delivered through the
19 use of interactive audio, video or other telecommunications
20 technology are not covered under the plan shall be subject to
21 utilization review and appeal pursuant to Chapter 59A, Article
22 4 NMSA 1978.

23 C. The provisions of this section shall not apply
24 in the event that federal law requires the state to make
25 payments on behalf of enrollees to cover the costs of

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1 implementing this section.

2 D. Nothing in this section shall require a health
3 care provider to be physically present with a patient at the
4 originating site unless the consulting telemedicine provider
5 deems it necessary.

6 E. As used in this section:

7 (1) "consulting telemedicine provider" means a
8 health care provider that delivers telemedicine services from a
9 location remote from an originating site;

10 (2) "in real time" means occurring
11 simultaneously, instantaneously or within seconds of an event
12 so that there is little or no noticeable delay between two or
13 more events;

14 (3) "originating site" means a place at which
15 a patient is physically located and receiving health care
16 services via telemedicine;

17 (4) "store-and-forward technology" means
18 electronic information, imaging and communication, including
19 interactive audio, video and data communication, that is
20 transferred or recorded or otherwise stored for asynchronous
21 use; and

22 (5) "telemedicine" means the use of
23 interactive audio, video or other telecommunications technology
24 by a health care provider to deliver health care services
25 within that provider's scope of practice at a site other than

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1 the site where the patient is located, including the use of
2 electronic media for consultation relating to the health care
3 diagnosis or treatment of the patient in real time or through
4 the use of store-and-forward technology."

5 SECTION 5. A new section of Chapter 59A, Article 47 NMSA
6 1978 is enacted to read:

7 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

8 A. An individual or group health insurance policy,
9 health care plan or certificate of health insurance delivered
10 or issued for delivery in this state shall include coverage of
11 telemedicine services.

12 B. A determination by a nonprofit health plan that
13 health care services delivered through the use of interactive
14 audio, video or other telecommunications technology are not
15 covered under the plan shall be subject to utilization review
16 and appeal pursuant to Chapter 59A, Article 4 NMSA 1978.

17 C. The provisions of this section shall not apply
18 in the event that federal law requires the state to make
19 payments on behalf of enrollees to cover the costs of
20 implementing this section.

21 D. Nothing in this section shall require a health
22 care provider to be physically present with a patient at the
23 originating site unless the consulting telemedicine provider
24 deems it necessary.

25 E. As used in this section:

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2 health care provider that delivers telemedicine services from a
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5 is licensed, certified or otherwise authorized by law to
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8 (3) "in real time" means occurring
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12 (4) "originating site" means a place at which
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14 services via telemedicine;

15 (5) "store-and-forward technology" means
16 electronic information, imaging and communication, including
17 interactive audio, video and data communication, that is
18 transferred or recorded or otherwise stored for asynchronous
19 use; and

20 (6) "telemedicine" means the use of
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25 to the health care diagnosis or treatment of the patient in

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