

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1073

H.P. 740

House of Representatives, March 17, 2009

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### An Act To Provide for Insurance Coverage of Telemedicine Services

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERRY of Calais.  
Cosponsored by Representatives: Speaker PINGREE of North Haven, SANBORN of Gorham,  
STRANG BURGESS of Cumberland, TREAT of Hallowell.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 24-A MRSA §2765 is enacted to read:

3 **§2765. Coverage for health care services provided through telemedicine**

4 All individual health insurance policies, contracts and certificates must provide  
5 coverage for health care services that are provided through telemedicine if the health care  
6 service would be covered were it provided through in-person consultation between the  
7 covered person and a health care provider.

8 **1. Definition.** For the purposes of this section, "telemedicine," as it pertains to the  
9 delivery of health care services, means the use of interactive audio, video or other  
10 electronic media for the purpose of diagnosis, consultation or treatment. "Telemedicine"  
11 does not include the use of audio-only telephone, facsimile machine or e-mail.

12 **2. Telemedicine network.** An insurer may limit coverage to those health care  
13 providers in a telemedicine network approved by the insurer.

14 **3. Deductible, copayment and coinsurance.** A contract that provides coverage for  
15 services under this section may contain a provision for a deductible, copayment or  
16 coinsurance requirement for a health care service provided through telemedicine as long  
17 as the deductible, copayment or coinsurance does not exceed the deductible, copayment  
18 or coinsurance applicable to an in-person consultation.

19 **4. Coverage consistency.** Coverage for health care services under this section must  
20 be consistent with coverage for health care services provided through in-person  
21 consultation.

22 **5. Rulemaking.** The superintendent may adopt rules regarding coverage for health  
23 care services provided through telemedicine. Rules adopted pursuant to this subsection  
24 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

25 Sec. 2. 24-A MRSA §2847-Q is enacted to read:

26 **§2847-Q. Coverage for health care services provided through telemedicine**

27 All group health insurance policies, contracts and certificates must provide coverage  
28 for health care services that are provided through telemedicine if the health care service  
29 would be covered were it provided through in-person consultation between the covered  
30 person and a health care provider.

31 **1. Definition.** For the purposes of this section, "telemedicine," as it pertains to the  
32 delivery of health care services, means the use of interactive audio, video or other  
33 electronic media for the purpose of diagnosis, consultation or treatment. "Telemedicine"  
34 does not include audio-only telephone, facsimile machine or e-mail.

35 **2. Telemedicine network.** An insurer may limit coverage to those health care  
36 providers in a telemedicine network approved by the insurer.

1           **3. Deductible, copayment and coinsurance.** A contract that provides coverage for  
2 services under this section may contain a provision for a deductible, copayment or  
3 coinsurance requirement for a health care service provided through telemedicine as long  
4 as the deductible, copayment or coinsurance does not exceed the deductible, copayment  
5 or coinsurance applicable to an in-person consultation.

6           **4. Coverage consistency.** Coverage for health care services under this section must  
7 be consistent with coverage for health care services provided through in-person  
8 consultation.

9           **5. Rulemaking.** The superintendent may adopt rules regarding coverage for health  
10 care services provided through telemedicine. Rules adopted pursuant to this subsection  
11 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

12           **Sec. 3. 24-A MRSA §4257** is enacted to read:

13           **§4257. Coverage for health care services provided through telemedicine**

14           All individual and group health maintenance organization policies, contracts and  
15 certificates must provide coverage for health care services that are provided through  
16 telemedicine if the health care service would be covered were it provided through in-  
17 person consultation between the covered person and a health care provider.

18           **1. Definition.** For the purposes of this section, "telemedicine," as it pertains to the  
19 delivery of health care services, means the use of interactive audio, video or other  
20 electronic media for the purpose of diagnosis, consultation or treatment. "Telemedicine"  
21 does not include audio-only telephone, facsimile machine or e-mail.

22           **2. Telemedicine network.** An insurer may limit coverage to those health care  
23 providers in a telemedicine network approved by the insurer.

24           **3. Deductible, copayment and coinsurance.** A contract that provides coverage for  
25 services under this section may contain a provision for a deductible, copayment or  
26 coinsurance requirement for a health care service provided through telemedicine as long  
27 as the deductible, copayment or coinsurance does not exceed the deductible, copayment  
28 or coinsurance applicable to an in-person consultation.

29           **4. Coverage consistency.** Coverage for health care services under this section must  
30 be consistent with payment for health care services provided through in-person  
31 consultation.

32           **5. Rulemaking.** The superintendent may adopt rules regarding coverage for health  
33 care services provided through telemedicine. Rules adopted pursuant to this subsection  
34 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

35           **Sec. 4. Application.** The requirements of this Act apply to all policies, contracts  
36 and certificates executed, delivered, issued for delivery, continued or renewed in this  
37 State on or after January 1, 2010. For purposes of this Act, all contracts are deemed to be  
38 renewed no later than the next yearly anniversary of the contract date.

**SUMMARY**

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This bill provides for coverage of health care services delivered through telemedicine. The bill allows for insurer approval of telemedicine networks, allows deductibles, copayments and coinsurance the same as for in-person health services and provides for coverage consistent with in-person health care services. The provisions of the bill apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2010.