

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/Senate Bill No. 230, Page 1, Section A, Line 2,

2 by inserting after all of said line the following:

3 "208.670. 1. As used in this section, these terms shall
4 have the following meaning:

5 (1) "Provider", any provider of medical services and mental
6 health services, including all other medical disciplines;

7 (2) "Telehealth", the use of medical information exchanged
8 from one site to another via electronic communications to improve
9 the health status of a patient.

10 2. The department of social services, in consultation with
11 the departments of mental health and health and senior services,
12 shall promulgate rules governing the practice of telehealth in
13 the MO HealthNet program. Such rules shall address, but not be
14 limited to, appropriate standards for the use of telehealth,
15 certification of agencies offering telehealth, and payment for
16 services by providers. Telehealth providers shall be required to
17 obtain patient consent before telehealth services are initiated
18 and to ensure confidentiality of medical information.

19 3. Telehealth may be utilized to service individuals who
20 are qualified as MO HealthNet participants under Missouri law.
21 Reimbursement for such services shall be made in the same way as

1 reimbursement for in-person contacts.

2 4. The provisions of section 208.671 shall apply to the use
3 of asynchronous store-and-forward technology in the practice of
4 telehealth.

5 208.671. 1. As used in this section and section 208.673,
6 the following terms shall mean:

7 (1) "Asynchronous store-and-forward", the transfer of a
8 patient's clinically important digital samples, such as still
9 images, videos, audio, and text files, and relevant data from an
10 originating site through the use of a camera or similar recording
11 device that stores digital samples that are forwarded via
12 telecommunication to a distant site for consultation by a
13 consulting provider without requiring the simultaneous presence
14 of the patient and the patient's treating provider;

15 (2) "Asynchronous store-and-forward technology", cameras or
16 other recording devices that store images which may be forwarded
17 via telecommunication devices at a later time;

18 (3) "Consultation", a type of evaluation and management
19 service as defined by the most recent edition of the Current
20 Procedural Terminology published annually by the American Medical
21 Association;

22 (4) "Consulting provider", a provider who, upon referral by
23 the treating provider, evaluates a patient and appropriate
24 medical data or images delivered through asynchronous store-and-
25 forward technology. If a consulting provider is unable to render
26 an opinion due to insufficient information, the consulting
27 provider may request additional information to facilitate the
28 rendering of an opinion or decline to render an opinion;

29 (5) "Distant site", a site where the consulting provider is

1 located at the time the consultation service is provided;

2 (6) "Originating site", the site where a MO HealthNet
3 participant receiving services and such participant's treating
4 provider are both physically located;

5 (7) "Provider", any provider of medical services or mental
6 health services, including all other medical disciplines,
7 licensed in this state who has the authority to refer patients
8 for medical services or mental health services within the scope
9 of practice and licensure of the provider;

10 (8) "Telehealth", the same meaning as such term is defined
11 in section 208.670. Telehealth shall include the use of
12 asynchronous store-and-forward technology for orthopedics,
13 dermatology, ophthalmology in cases of diabetic retinopathy, burn
14 and wound care, and maternal-fetal medicine ultrasounds;

15 (9) "Treating provider", a provider who:

16 (a) Evaluates a patient;

17 (b) Determines the need for a consultation;

18 (c) Arranges the services of a consulting provider for the
19 purpose of diagnosis and treatment;

20 (d) Provides or supplements the patient's history and
21 provides pertinent physical examination findings and medical
22 information to the consulting provider; and

23 (e) Is physically present in the same location as the
24 patient during the time of the asynchronous store-and-forward
25 services.

26 2. The department of social services, in consultation with
27 the departments of mental health and health and senior services,
28 shall promulgate rules governing the use of asynchronous store-
29 and-forward technology in the practice of telehealth in the MO

1 HealthNet program. Such rules shall address, but not be limited
2 to:

3 (1) Appropriate standards for the use of asynchronous
4 store-and-forward technology in the practice of telehealth;

5 (2) Certification of agencies offering asynchronous store-
6 and-forward technology in the practice of telehealth;

7 (3) Time lines for completion and communication of a
8 consulting provider's consultation or opinion, or if the
9 consulting provider is unable to render an opinion, time lines
10 for communicating a request for additional information or that
11 the consulting provider declines to render an opinion;

12 (4) Length of time digital files of such asynchronous
13 store-and-forward services are to be maintained;

14 (5) Security and privacy of such digital files;

15 (6) Patient consent for asynchronous store-and-forward
16 services; and

17 (7) Payment for services by providers; except that,
18 consulting providers who decline to render an opinion shall not
19 receive payment under this section unless and until an opinion is
20 rendered.

21
22 Telehealth providers using asynchronous store-and-forward
23 technology shall be required to obtain patient consent before
24 asynchronous store-and-forward services are initiated and to
25 ensure confidentiality of medical information.

26 3. Asynchronous store-and-forward technology in the
27 practice of telehealth may be utilized to service individuals who
28 are qualified as MO HealthNet participants under Missouri law.
29 Reimbursement for such asynchronous store-and-forward services

1 shall be made so that the total payment for the consultation
2 shall be divided between the treating provider and the consulting
3 provider. The total payment for both the treating provider and
4 the consulting provider shall not exceed the payment for a face-
5 to-face consultation of the same level.

6 4. The standard of care for the use of asynchronous store-
7 and-forward technology in the practice of telehealth shall be the
8 same as the standard of care for face-to-face care.

9 208.673. 1. There is hereby established the "Telehealth
10 Services Advisory Committee" to advise the department of social
11 services and propose rules regarding the coverage of telehealth
12 services utilizing asynchronous store-and-forward technology.

13 2. The committee shall be comprised of the following
14 members:

15 (1) The director of the MO HealthNet division, or the
16 director's designee;

17 (2) The medical director of the MO HealthNet division;

18 (3) A representative from a Missouri institution of higher
19 education with expertise in telemedicine;

20 (4) A representative from the Missouri office of primary
21 care and rural health;

22 (5) Two board-certified specialists licensed to practice in
23 this state;

24 (6) A representative from a hospital located in this state
25 that utilizes telehealth medicine;

26 (7) A primary care provider from a federally qualified
27 health center (FQHC) or rural health clinic; and

28 (8) A primary care provider from a rural setting other than
29 from an FQHC or rural health clinic.

1 3. Members of the committee listed in subdivisions (3) to
2 (8) of subsection 2 of this section shall be appointed by the
3 governor, with the advice and consent of the senate. The first
4 appointments to the committee shall consist of three members to
5 serve three-year terms, two members to serve two-year terms, and
6 two members to serve one-year terms as designated by the
7 governor. Each member of the committee shall serve for a term of
8 three years thereafter.

9 4. Members of the committee shall not receive any
10 compensation for their services but shall be reimbursed for any
11 actual and necessary expenses incurred in the performance of
12 their duties.

13 5. Any member appointed by the governor may be removed from
14 office by the governor without cause. If there is a vacancy for
15 any cause, the governor shall make an appointment to become
16 effective immediately for the unexpired term.

17 6. Any rule or portion of a rule, as that term is defined
18 in section 536.010, that is created under the authority delegated
19 in this section shall become effective only if it complies with
20 and is subject to all of the provisions of chapter 536 and, if
21 applicable, section 536.028. This section and chapter 536 are
22 nonseverable and if any of the powers vested with the general
23 assembly pursuant to chapter 536 to review, to delay the
24 effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2015,
27 shall be invalid and void."; and

28 Further amend the title and enacting clause accordingly.