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LC000597/SUB B
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO INSURANCE -- THE TELEMEDICINE COVERAGE ACT

Introduced By: Senators Miller, Goldin, Valverde, Goodwin, Felag, Coyne, Burke, Cano,
Seveney, and Lawson

Date Introduced: January 11, 2021

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 27-81-3 and 27-81-4 of the General Laws in Chapter 27-81 entitled
2 "The Telemedicine Coverage Act" are hereby amended to read as follows:

3 **27-81-3. Definitions.**

4 As used in this chapter:

5 (1) "Clinically appropriate" means care that is delivered in the appropriate medical setting.

6 ~~(1)~~(2) "Distant site" means a site at which a healthcare provider is located while providing
7 healthcare services by means of telemedicine.

8 ~~(2)~~(3) "Healthcare facility" means an institution providing healthcare services or a
9 healthcare setting, including, but not limited to: hospitals and other licensed, inpatient centers;
10 ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers;
11 diagnostic, laboratory and imaging centers; and rehabilitation and other therapeutic-health settings.

12 ~~(3)~~(4) "Healthcare professional" means a physician or other healthcare practitioner
13 licensed, accredited, or certified to perform specified healthcare services consistent with state law.

14 ~~(4)~~(5) "Healthcare provider" means a healthcare professional or a healthcare facility.

15 ~~(5)~~(6) "Healthcare services" means any services included in the furnishing to any individual
16 of medical, podiatric, or dental care, or hospitalization, or incident to the furnishing of that care or
17 hospitalization, and the furnishing to any person of any and all other services for the purpose of
18 preventing, alleviating, curing, or healing human illness, injury, or physical disability.

19 ~~(6)~~(7) "Health insurer" means any person, firm, or corporation offering and/or insuring

1 healthcare services on a prepaid basis, including, but not limited to, a nonprofit service corporation,
2 a health maintenance organization, [the Rhode Island Medicaid program, including its contracted](#)
3 [managed care entities](#), or an entity offering a policy of accident and sickness insurance.

4 ~~(7)~~(8) "Health maintenance organization" means a health maintenance organization as
5 defined in chapter 41 of this title.

6 [\(9\) "Medically necessary" means medical, surgical, or other services required for the](#)
7 [prevention, diagnosis, cure, or treatment of a health related condition, including such services](#)
8 [necessary to prevent a decremental change in either medical or mental health status.](#)

9 ~~(8)~~(10) "Nonprofit service corporation" means a nonprofit hospital-service corporation as
10 defined in chapter 19 of this title, or a nonprofit medical-service corporation as defined in chapter
11 20 of this title.

12 ~~(9)~~(11) "Originating site" means a site at which a patient is located at the time healthcare
13 services are provided to them by means of telemedicine, which can ~~be~~ [include](#) a patient's home
14 where medically ~~appropriate~~ [necessary and clinically appropriate](#) ; ~~provided, however,~~
15 ~~notwithstanding any other provision of law, health insurers and healthcare providers may agree to~~
16 ~~alternative siting arrangements deemed appropriate by the parties.~~

17 ~~(10)~~(12) "Policy of accident and sickness insurance" means a policy of accident and
18 sickness insurance as defined in chapter 18 of this title.

19 [\(13\) "Rhode Island Medicaid program" means a state-administered, medical assistance](#)
20 [program that is funded by the state and federal governments under Title XIX and Title XXI of the](#)
21 [U.S. Social Security Act and any general or public laws and administered by the executive office](#)
22 [of health and human services.](#)

23 ~~(11)~~(14) "Store-and-forward technology" means the technology used to enable the
24 transmission of a patient's medical information from an originating site to the healthcare provider
25 at the distant site without the patient being present.

26 ~~(12)~~(15) "Telemedicine" means the delivery of clinical healthcare services by ~~means~~ [use](#)
27 of real time, two-way [synchronous audio, video, telephone-audio-only communications or](#)
28 electronic [media or other telecommunications technology including, but not limited to: online](#)
29 [adaptive interviews, remote patient monitoring devices](#), audiovisual communications, including the
30 application of secure video conferencing or store-and-forward technology to provide or support
31 healthcare delivery, which facilitate the assessment, diagnosis, [counseling and prescribing](#)
32 treatment, and care management of a patient's health care while such patient is at an originating site
33 and the healthcare provider is at a distant site, consistent with applicable federal laws and
34 regulations. "Telemedicine" does not include an ~~audio-only telephone conversation~~, email message,

1 or facsimile transmission between the provider and patient, or an automated computer program
2 used to diagnose and/or treat ocular or refractive conditions.

3 **27-81-4. Coverage of telemedicine services.**

4 (a) Each health insurer that issues individual or group accident and sickness insurance
5 policies for healthcare services and/or provides a healthcare plan for healthcare services shall
6 provide coverage for the cost of such covered healthcare services provided through telemedicine
7 services, as provided in this section.

8 (b)(1) A health insurer shall not exclude a healthcare service for coverage solely because
9 the healthcare service is provided through telemedicine and is not provided through in-person
10 consultation or contact, so long as such healthcare services are medically ~~appropriate~~ necessary and
11 clinically appropriate to be provided through telemedicine services ~~and, as such, may be subject to~~
12 ~~the terms and conditions of a telemedicine agreement between the insurer and the participating~~
13 ~~healthcare provider or provider group.~~

14 (2) All such medically necessary and clinically appropriate telemedicine services delivered
15 by in-network primary care providers, registered dietitian nutritionists, and behavioral health
16 providers shall be reimbursed at rates not lower than services delivered by the same provider
17 through in-person methods.

18 (c) Benefit plans offered by a health insurer ~~may impose a deductible, copayment, or~~
19 ~~coinsurance requirement for a healthcare service provided through telemedicine~~ shall not impose a
20 deductible, copayment, or coinsurance requirement for a healthcare service delivered through
21 telemedicine in excess of what would normally be charged for the same healthcare service when
22 performed in person.

23 (d) Prior authorization requirements for medically necessary and clinically appropriate
24 telemedicine services shall not be more stringent than prior authorization requirements for in-
25 person care. No more stringent medical or benefit determination and utilization review
26 requirements shall be imposed on any telemedicine service than is imposed upon the same service
27 when performed in person.

28 (e) Except for requiring compliance with applicable state and federal laws, regulations
29 and/or guidance, no health insurer shall impose any specific requirements as to the technologies
30 used to deliver medically necessary and clinically appropriate telemedicine services.

31 ~~(f)~~ The requirements of this section shall apply to all policies and health plans issued,
32 reissued, or delivered in the state of Rhode Island on and after January 1, 2018.

33 ~~(g)~~ This chapter shall not apply to: short-term travel, accident-only, limited or specified
34 disease; or individual conversion policies or health plans; nor to policies or health plans designed

1 for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known
2 as Medicare; or any other similar coverage under state or federal governmental plans.

3 SECTION 2. Chapter 27-81 of the General Laws entitled "The Telemedicine Coverage
4 Act" is hereby amended by adding thereto the following sections:

5 **27-81-6. Rules and regulations.**

6 [The health insurance commissioner may promulgate such rules and regulations as are](#)
7 [necessary and proper to effectuate the purpose and for the efficient administration and enforcement](#)
8 [of this chapter.](#)

9 **27-81-7. Telemedicine data reporting and telemedicine advisory committee.**

10 [Each health insurer shall collect and provide to the office of the health insurance](#)
11 [commissioner \(OHIC\), in a form and frequency acceptable to OHIC, information and data](#)
12 [reflecting its telemedicine policies, practices, and experience. OHIC shall provide this information](#)
13 [and data to the general assembly on or before January 1, 2022, and on or before each January 1](#)
14 [thereafter.](#)

15 SECTION 3. Section 5-31.1-1 of the General Laws in Chapter 5-31.1 entitled "Dentists
16 and Dental Hygienists" is hereby amended to read as follows:

17 **5-31.1-1. Definitions.**

18 As used in this chapter:

19 (1) "Board" means the Rhode Island board of examiners in dentistry or any committee or
20 subcommittee of the board.

21 (2) "Chief of the division of oral health" means the chief of the division of oral health of
22 the Rhode Island department of health who is a licensed dentist possessing a masters degree in
23 public health or a certificate in public health from an accredited program.

24 (3) "Dental administrator" means the administrator of the Rhode Island board of examiners
25 in dentistry.

26 (4) "Dental hygienist" means a person with a license to practice dental hygiene in this state
27 under the provisions of this chapter.

28 (5) "Dentist" means a person with a license to practice dentistry in this state under the
29 provisions of this chapter.

30 (6) "Dentistry" is defined as the evaluation, diagnosis, prevention, and/or treatment
31 (nonsurgical, surgical, or related procedures) of diseases, disorders, and/or conditions of the oral
32 cavity, cranio-maxillofacial area, and/or the adjacent and associated structures and their impact on
33 the human body, provided by a dentist, within the scope of his or her education, training, and
34 experience, in accordance with the ethics of the profession and applicable law.

1 (7) "Department" means the Rhode Island department of health.

2 (8) "Direct visual supervision" means supervision by an oral and maxillofacial surgeon
3 (with a permit to administer deep sedation and general anesthesia) by verbal command and under
4 direct line of sight.

5 (9) "Director" means the director of the Rhode Island department of health.

6 (10) "Healthcare facility" means any institutional health service provider licensed pursuant
7 to the provisions of chapter 17 of title 23.

8 (11) "Health-maintenance organization" means a public or private organization licensed
9 pursuant to the provisions of chapter 17 of title 23 or chapter 41 of title 27.

10 (12) "Limited registrant" means a person holding a limited registration certificate pursuant
11 to the provisions of this chapter.

12 (13) "Nonprofit medical services corporation" or "nonprofit hospital service corporation"
13 or "nonprofit dental service corporation" means any corporation organized pursuant to chapter 19
14 or 20 of title 27 for the purpose of establishing, maintaining, and operating a nonprofit medical,
15 hospital, or dental service plan.

16 (14) "Peer-review board" means any committee of a state, local, dental or dental hygiene
17 association or society, or a committee of any licensed healthcare facility, or the dental staff of the
18 committee, or any committee of a dental care foundation or health-maintenance organization, or
19 any staff committee or consultant of a hospital, medical, or dental service corporation, the function
20 of which, or one of the functions of which, is to evaluate and improve the quality of dental care
21 rendered by providers of dental care service or to determine that dental care services rendered were
22 professionally indicated or were performed in compliance with the applicable standard of care or
23 that the cost for dental care rendered was considered reasonable by the providers of professional
24 dental care services in the area and includes a committee functioning as a utilization review
25 committee under the provisions of P.L. 89-97, 42 U.S.C. § 1395 et seq. (Medicare law), or as a
26 professional standards-review organization or statewide professional standards-review council
27 under the provisions of P.L. 92-603, 42 U.S.C. § 1301 et seq. (professional standards-review
28 organizations), or a similar committee or a committee of similar purpose, to evaluate or review the
29 diagnosis or treatment of the performance or rendition of dental services performed under public
30 dental programs of either state or federal design.

31 (15) "Person" means any individual, partnership, firm, corporation, association, trust or
32 estate, state or political subdivision, or instrumentality of a state.

33 (16) "Practice of dental hygiene." Any person is practicing dental hygiene within the
34 meaning of this chapter who performs those services and procedures that a dental hygienist has

1 been educated to perform and which services and procedures are, from time to time, specifically
2 authorized by rules and regulations adopted by the board of examiners in dentistry. Nothing in this
3 section is construed to authorize a licensed dental hygienist to perform the following: diagnosis and
4 treatment planning, surgical procedures on hard or soft tissue, prescribe medication, or administer
5 general anesthesia or injectables other than oral local anesthesia. A dental hygienist is only
6 permitted to practice dental hygiene under the general supervision of a dentist licensed and
7 registered in this state under the provisions of this chapter.

8 (A) Provided, that in order to administer local injectable anesthesia to dental patients,
9 dental hygienists must be under the supervision of a dentist and meet the requirements established
10 by regulation of the board of examiners in dentistry including payment of a permit fee.

11 (17)(i)(A) "Practice of dentistry." Any person is practicing dentistry within the meaning of
12 this chapter who:

13 (I) Uses or permits to be used, directly or indirectly, for profit or otherwise, for himself,
14 herself, or for any other person, in connection with his or her name, the word "dentist" or "dental
15 surgeon," or the title "D.D.S." or "D.M.D.," or any other words, letters, titles, or descriptive matter,
16 personal or not, that directly or indirectly implies the practice of dentistry;

17 (II) Owns, leases, maintains, operates a dental business in any office or other room or rooms
18 where dental operations are performed, or directly or indirectly is manager, proprietor, or conductor
19 of this business;

20 (III) Directly or indirectly informs the public in any language, orally, in writing, or in
21 printing, or by drawings, demonstrations, specimens, signs, or pictures that he or she can perform
22 or will attempt to perform, dental operations of any kind;

23 (IV) Undertakes, by any means or method, gratuitously, or for a salary, fee, money, or other
24 reward paid or granted directly or indirectly to himself or herself, or to any other person, to diagnose
25 or profess to diagnose, or to treat or profess to treat, or to prescribe for, or profess to prescribe for,
26 any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums,
27 maxilla, or mandible, and/or adjacent associated structures;

28 (V) Extracts human teeth, corrects malpositions of the teeth or of the jaws;

29 (VI) Except on the written prescription of a licensed dentist and by the use of impressions
30 or casts made by a licensed and practicing dentist, directly or indirectly by mail, carrier, personal
31 agent, or by any other method, furnishes, supplies, constructs, reproduces, or repairs prosthetic
32 dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth;

33 (VII) Places those substitutes in the mouth and/or adjusts them;

34 (VIII) Administers an anesthetic, either general or local, in the course of any of the

1 previously stated dental procedures; or

2 (IX) Engages in any of the practices included in the curricula of recognized dental colleges;

3 (B) Provided, that in order to administer any form of anesthesia, other than local, dentists
4 must meet the requirements established by regulation of the board of examiners in dentistry,
5 including training in advanced cardiac life support and pediatric advanced life support, and
6 payment of a permit fee.

7 (ii) The board shall promulgate regulations relating to anesthesia. Those regulations shall
8 be consistent with the American Dental Association guidelines for the use of conscious sedation,
9 deep sedation, and general anesthesia in dentistry. Neither the board, nor any regulation
10 promulgated by the board, shall require additional licensing fees for the use of nitrous oxide by
11 dentists. Prior to the adoption of those regulations, dentists shall be permitted to administer
12 anesthesia without restriction. From the proceeds of any fees collected pursuant to the provisions
13 of this chapter, there is created a restricted receipts account that is used solely to pay for the
14 administrative expenses incurred for expenses of administrating this chapter.

15 (iii) No non-dentist who operates a dental facility in the form of a licensed outpatient
16 healthcare center or management service organization may interfere with the professional judgment
17 of a dentist in the practice.

18 [\(18\) "Telemedicine" has the same meaning as provided in § 27-81-3.](#)

19 SECTION 4. Chapter 5-31.1 of the General Laws entitled "Dentists and Dental Hygienists"
20 is hereby amended by adding thereto the following section:

21 **5-31.1-40. Telemedicine in the practice of dentistry.**

22 [\(a\) Professionals licensed under this chapter utilizing telemedicine in the practice of](#)
23 [dentistry are subject to the same standard of care that would apply to the provision of the same](#)
24 [dental care service or procedure in an in-person setting.](#)

25 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO INSURANCE -- THE TELEMEDICINE COVERAGE ACT

1 This act would amend the provisions of the telemedicine coverage act and provide coverage
2 for telemedicine for medically necessary and clinically appropriate telemedicine services. This act
3 would further provide that dentists practicing telemedicine are subject to the same standard of care
4 as dental services provided in person.

5 This act would take effect upon passage.

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