

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 32

**Senator Tavares
Cosponsors: Senators Seitz, Skindell**

A BILL

To enact sections 1739.23, 1751.691, 3923.235, and 1
5111.026 of the Revised Code regarding insurance 2
and Medicaid coverage of telemedicine services. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1739.23, 1751.691, 3923.235, and 4
5111.026 of the Revised Code be enacted to read as follows: 5

Sec. 1739.23. (A) As used in this section: 6

(1) "Physician" means an individual authorized under 7
Chapter 4731. of the Revised Code to practice medicine and 8
surgery or osteopathic medicine and surgery, including the 9
holder of a telemedicine certificate issued under section 10
4731.296 of the Revised Code. 11

(2) "Telemedicine service" means a medical service 12
delivered by a physician through the use of any communication, 13
including oral, written, or electronic communication. 14

(B) Notwithstanding section 3901.71 of the Revised Code, 15
on or after the effective date of this section no multiple 16
employer welfare arrangement operating a group self-insurance 17

program shall exclude coverage for a telemedicine service solely 18
because the service is not provided through a face-to-face 19
consultation. The arrangement may require a deductible, 20
copayment, or coinsurance for the telemedicine service. The 21
amount of the deductible, copayment, or coinsurance shall not 22
exceed the amount of the deductible, copayment, or coinsurance 23
required for a comparable medical service provided through a 24
face-to-face consultation. 25

Sec. 1751.691. (A) As used in this section: 26

(1) "Physician" means an individual authorized under 27
Chapter 4731. of the Revised Code to practice medicine and 28
surgery or osteopathic medicine and surgery, including the 29
holder of a telemedicine certificate issued under section 30
4731.296 of the Revised Code. 31

(2) "Telemedicine service" means a medical service 32
delivered by a physician through the use of any communication, 33
including oral, written, or electronic communication. 34

(B) Notwithstanding section 3901.71 of the Revised Code, 35
no individual or group health insuring corporation policy, 36
contract, or agreement that is delivered, issued for delivery, 37
or renewed in this state on or after the effective date of this 38
section shall exclude coverage for a telemedicine service solely 39
because the service is not provided through a face-to-face 40
consultation. The policy, contract, or agreement may require a 41
deductible, copayment, or coinsurance for the telemedicine 42
service. The amount of the deductible, copayment, or coinsurance 43
shall not exceed the amount of the deductible, copayment, or 44
coinsurance required for a comparable medical service provided 45
through a face-to-face consultation. 46

Sec. 3923.235. (A) As used in this section:

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(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

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(2) "Telemedicine service" means a medical service delivered by a physician through the use of any communication, including oral, written, or electronic communication.

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(B) Notwithstanding section 3901.71 of the Revised Code, no individual or group policy of sickness and accident insurance delivered, issued for delivery, or renewed in this state on or after the effective date of this section shall exclude coverage for a telemedicine service solely because the service is not provided through a face-to-face consultation. The policy may require a deductible, copayment, or coinsurance for the telemedicine service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation.

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Sec. 5111.026. (A) As used in this section:

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(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

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(2) "Telemedicine service" means a medical service delivered by a physician through the use of any communication, including oral, written, or electronic communication.

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(B) The director of job and family services shall do all 76
of the following on and after the effective date of this section 77
with respect to the provision of telemedicine services: 78

(1) Ensure that the medicaid program does not exclude 79
coverage for a telemedicine service solely because the service 80
is not provided through a face-to-face consultation; 81

(2) Ensure that the medicaid program does not require a 82
medical service to be provided to a medicaid recipient through a 83
telemedicine service when the service can reasonably be provided 84
through a face-to-face consultation; 85

(3) Establish a system to monitor the provision of 86
telemedicine services to medicaid recipients for purposes of 87
ensuring quality care and preventing fraud and abuse. 88

(C) The director may require a face-to-face consultation 89
between a medicaid recipient and a physician to occur following 90
an initial telemedicine service only if the physician who 91
provided the service had never before seen the recipient as a 92
patient. The director may specify a period of time within which 93
the consultation must occur. 94