HOUSE BILL NO. 304

BY REPRESENTATIVE FRIEMAN

INSURANCE/HEALTH: Provides relative to health coverage plan benefits for physical therapy services delivered via telehealth

AN ACT

To enact Subpart B-2 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1845.1, relative to payment of claims for physical therapy services provided through telehealth; to prohibit maximum amounts of coverage and other conditions for coverage relative to telehealth services that are inapplicable to in-person services; to authorize enforcement and rulemaking; to provide for definitions; to provide for exceptions; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-2 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1845.1, is hereby enacted to read as follows:

SUBPART B-2. COVERAGE AND PAYMENT PARITY FOR PHYSICAL THERAPY DELIVERED VIA TELEHEALTH

§1845.1. Telehealth coverage and reimbursement; prohibitions and limitations; exceptions; rulemaking

A. A health coverage plan shall pay for covered physical therapy services provided via telehealth to an insured person. Telehealth coverage and payment shall be equivalent to the coverage and payment for the same service provided in person unless the telehealth provider and the health coverage plan contractually agree to an alternative payment rate for telehealth services.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
B. Benefits for a service provided as telehealth may be subject to a deductible, copayment, or coinsurance. A deductible, copayment, or coinsurance applicable to a particular service provided through telecommunications technology shall not exceed the deductible, copayment, or coinsurance required by the health coverage plan for the same service when provided in person.

C. A health coverage plan shall not impose an annual dollar maximum on coverage for healthcare services covered under the health coverage plan that are provided as telehealth, other than an annual dollar maximum that applies to the same services when provided in person by the same provider.

D. A health coverage plan shall require a healthcare professional to be licensed or otherwise authorized to practice physical therapy in this state to be eligible to receive payment for telehealth services.

E. Payment made pursuant to this Section shall be consistent with any provider network arrangements that have been established for the health coverage plan.

F. A health coverage plan shall not do any of the following:

(1) Require a previously established in-person relationship or the provider to be physically present with a patient or client, unless the provider determines that it is necessary to perform that service in person.

(2) Require prior authorization, medical review, or administrative clearance for telehealth that would not be required if that service were provided in person.

(3) Require demonstration that it is necessary to provide services to a patient or client as telehealth.

(4) Require a provider to be employed by another provider or agency in order to provide telehealth services that would not be required if that service were provided in person.

(5) Restrict or deny coverage based solely on the communication technology or application used to provide the telehealth service; however, a health coverage plan...
may restrict physical therapy services via telehealth when the services are being
provided solely by telephone.

(6) Impose specific requirements or limitations on the technologies used to
provide telehealth services; however, a health coverage plan may require the
provider to demonstrate that the technology used to provide telehealth services is
both safe and secure.

(7) Impose additional certification, location, or training requirements as a
condition of payment for telehealth services; however, this Paragraph does not
prohibit a health coverage plan from providing additional reimbursement incentives
to providers with an enhanced certification, training, or accreditation.

(8) Require a provider to be part of a telehealth network.

G. Nothing in this Section shall be construed to require a health coverage
plan to do either of the following:

(1) Provide coverage for telehealth services that are not medically necessary.

(2) Reimburse any fees charged by a telehealth facility for transmission of
a telehealth encounter.

H. A health coverage plan is not required to provide coverage or
reimbursement for any of the following procedures or services provided via
telehealth:

(1) A modality that is a type of electrical, thermal, or mechanical energy.

(2) Manual therapy, massage, dry needling, or other invasive procedures.

I. The department may take any action authorized in this Title to enforce the
provisions of this Section and the commissioner may, in compliance with the
Administrative Procedure Act, R.S. 49:950 et seq., promulgate and adopt rules as are
necessary or advisable to effectuate the provisions of this Section.

J. For purposes of this Section, the following definitions apply:

(1) "Health coverage plan" has the same meaning as provided for in R.S.
22:1841.

(2) "Telehealth" has the same meaning as provided for in R.S. 40:1223.3.
Section 2. This Act shall apply to any new health coverage plan issued on and after January 1, 2023. Any health coverage plan in effect prior to January 1, 2023, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 304 Reengrossed 2022 Regular Session Frieman

Abstract: Requires health benefits and payment parity equal to in-person services for physical therapy delivered via telehealth.

Proposed law requires a health coverage plan (plan) to pay for covered physical therapy services provided via telehealth to an insured person. Requires equivalency for telehealth coverage and payment for the same service provided in person, unless the telehealth provider and plan contractually agree to an alternative payment rate. Provides that services via telehealth may be subject to a deductible, copayment, or coinsurance not in excess of the deductible, copayment, or coinsurance required by the plan for in-person services.

Proposed law prohibits a plan from imposing an annual dollar maximum on coverage for healthcare services provided as telehealth, other than an annual dollar maximum that applies to the same services when provided in person by the same provider.

Proposed law requires a plan to provide payment for telehealth services to healthcare professionals licensed or otherwise permitted to practice physical therapy in this state. Further requires telehealth payments to be consistent with any provider network arrangements that have been established for the plan.

Proposed law prohibits a plan from doing any of the following:

1. Requiring a previously established in-person relationship or the provider to be physically present with a patient or client, unless the provider determines that it is necessary to perform that service in person.

2. Requiring prior authorization, medical review, or administrative clearance for telehealth that would not be required if that service were provided in person.

3. Requiring demonstration that it is necessary to provide services to a patient or client as telehealth.

4. Requiring a provider to be employed by another provider or agency in order to provide telehealth services that would not be required if that service were provided in person.

5. Restricting or denying coverage based solely on the communication technology or application used to provide the telehealth service. However, proposed law authorizes a health coverage plan to restrict physical therapy services via telehealth when the services are being provided solely by telephone.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(6) Imposing specific requirements or limitations on the technologies used to provide telehealth services. However, proposed law authorizes a health coverage plan to require a provider to demonstrate that the technology used to provide telehealth services is both safe and secure.

(7) Imposing additional certification, location, or training requirements as a condition of payment for telehealth services. However, proposed law does not prohibit a health coverage plan from providing additional reimbursement incentives to providers with an enhanced certification, training, or accreditation.

(8) Requiring a provider to be part of a telehealth network.

Nothing in proposed law requires a plan to provide coverage for telehealth services that are not medically necessary or to reimburse any fees charged by a telehealth facility for transmission of a telehealth encounter.

Proposed law does not require a health coverage plan to provide coverage or reimbursement for any of the following procedures or services provided via telehealth:

(1) A modality that is a type of electrical, thermal, or mechanical energy.

(2) Manual therapy, massage, dry needling, or other invasive procedures.

Proposed law authorizes the Department of Insurance to take any action authorized in the La. Insurance Code to enforce the provisions of proposed law and further authorizes the commissioner, in accordance with the APA, to promulgate and adopt rules as necessary or advisable to effectuate proposed law.

Proposed law defines "health coverage plan" and "telehealth".

Proposed law requires a current health coverage plan to conform to the provisions of proposed law by Jan. 1, 2024.


(Adds R.S. 22:1845.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Authorize a health coverage plan to restrict physical therapy services via telehealth when the services are being provided solely by telephone.

2. Authorize a health coverage plan to require a provider to demonstrate that the technology used to provide telehealth services is both safe and secure.

3. Add that proposed law does not prohibit a health coverage plan from providing additional reimbursement incentives to providers with an enhanced certification, training, or accreditation.

4. Require any health coverage plan in effect prior to Jan. 1, 2023, to conform to the provisions of proposed law on or before the renewal date, but no later than Jan. 1, 2024.

5. Make technical changes.
The House Floor Amendments to the engrossed bill:

1. Add that proposed law does not require a health coverage plan to provide coverage or reimbursement for procedures or services provided via telehealth by modalities of electric, thermal, or mechanical energy or for manual therapy, massage, dry needling, or other invasive procedures.

2. Make technical changes.