

ACT No. 144

2022 Regular Session

HOUSE BILL NO. 304

BY REPRESENTATIVE FRIEMAN

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 SUBPART B-2. COVERAGE AND PAYMENT PARITY

13 FOR PHYSICAL THERAPY DELIVERED VIA TELEHEALTH

14 §1845.1. Telehealth coverage and reimbursement; prohibitions and limitations;
15 exceptions; rulemaking

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

21 B. Benefits for a service provided as telehealth may be subject to a
22 deductible, copayment, or coinsurance. A deductible, copayment, or coinsurance

1 ~~applicable to a particular service provided through telecommunications technology~~
 2 ~~shall not exceed the deductible, copayment, or coinsurance required by the health~~
 3 ~~coverage plan for the same service when provided in person.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) "Health coverage plan" has the same meaning as provided for in R.S.
 26 22:1841.

27 (2) "Telehealth" has the same meaning as provided for in R.S. 40:1223.3.

1 Section 2. This Act shall apply to any new health coverage plan issued on and after
2 January 1, 2023. Any health coverage plan in effect prior to January 1, 2023, shall convert
3 to conform to the provisions of this Act on or before the renewal date, but no later than
4 January 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____