

2024 Regular Session

HOUSE BILL NO. 896

BY REPRESENTATIVES MYERS, ADAMS, BERAULT, BOYER, BRYANT, CHASSION, EGAN, FISHER, HUGHES, JACKSON, KNOX, LYONS, MENA, MILLER, NEWELL, SELDERS, TAYLOR, TURNER, WALTERS, AND WYBLE

HEALTH SERVICES: Creates the Louisiana Remote Patient Monitoring Program Law

1 AN ACT

2 To enact Part VI of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 40:1221.1, and Part X of Subchapter D of
4 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised
5 of R.S. 40:1227.1 through 1227.8, relative to the Louisiana Remote Patient
6 Monitoring Program Law; to provide a short title; to provide for legislative findings;
7 to provide definitions; to provide for remote monitoring services under certain
8 circumstances; to require remote patient monitoring services to be a covered service
9 under Medicaid; to allow the use of remote patient monitoring services for certain
10 patients; to establish qualifications for patients who are permitted to use remote
11 patient monitoring services; to require certain equipment and network provisions; to
12 require a procedure code for reimbursement; to provide for reimbursement
13 eligibility; to require the promulgation of rules; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part VI of Subchapter D of Chapter 5-D of Title 40 of the Louisiana
16 Revised Statutes of 1950, comprised of R.S. 40:1221.1, and Part X of Subchapter D of
17 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 40:1227.1 through 1227.8, are hereby enacted to read as follows:

1 PART VI. TELEMEDICINE AND TELEHEALTH SERVICE REIMBURSEMENT

2 §1221.1. Remote patient monitoring; medical assistance program

3 A. Remote patient monitoring services as provided for in the Louisiana
4 Remote Patient Monitoring Program Law, R.S. 40:1227.1 et seq., shall be a covered
5 service in the medical assistance program.

6 B. A one-time telehealth installation and training reimbursement to the
7 telehealth provider from Medicaid for remote patient monitoring services may also
8 be reimbursed at a maximum of two installation and training reimbursements per
9 calendar year.

10 C. No geographic restrictions shall be placed on the delivery of remote
11 patient monitoring services in the home setting other than requiring the patient reside
12 within this state.

13 D. For the purposes of this Section, "medical assistance program" means the
14 medical assistance program provided for in Title XIX of the Social Security Act as
15 administered by the Louisiana Department of Health.

16 E. The Louisiana Department of Health shall promulgate rules and
17 regulations as are necessary for the implementation of the "Louisiana Remote Patient
18 Monitoring Program Law" and the provisions of this Part shall be applicable only
19 upon either a specific appropriation or funds made available by the Louisiana
20 Department of Health for the implementation of the "Louisiana Remote Patient
21 Monitoring Program Law".

22 * * *

23 PART X. REMOTE PATIENT MONITORING

24 §1227.1. Short title

25 This Part shall be known and may be cited as the "Louisiana Remote Patient
26 Monitoring Program Law".

27 §1227.2. Legislative findings

28 A. The legislature hereby finds and declares that remote patient monitoring
29 services aim to allow more people to remain at home or in other residential settings

1 and to improve the quality and cost of their care, including prevention of more costly
2 care.

3 B. The legislature further declares that the goal of remote patient monitoring
4 services provided through telehealth is to coordinate primary, acute, chronic disease,
5 behavioral, and long-term social service needs for high-need, high-cost patients.

6 §1227.3. Definitions

7 As used in this Part, the following terms have the meanings ascribed to them:

8 (1) "Remote patient monitoring services" means the delivery of in-home
9 healthcare services using telecommunications technology to enhance the delivery of
10 in-home health care, including but not limited to all of the following:

11 (a) Monitoring of clinical patient data such as weight, blood pressure, pulse,
12 pulse oximetry, and other condition-specific data, such as blood glucose and activity
13 trackers.

14 (b) Medication adherence monitoring.

15 (c) Interactive video conferencing with or without digital image upload.

16 (2) "Telehealth" has the same meaning as defined in R.S. 40:1223.3.

17 §1227.4. Remote patient monitoring

18 Remote patient monitoring services provided through telehealth may be used
19 by patients who meet the requirements of this Section and are capable and willing
20 to use home telehealth and can maintain performance of needed tasks, or have the
21 availability of informal caregivers to help with remote patient monitoring through
22 telehealth.

23 §1227.5. Qualifications for patients

24 To qualify for participation in remote patient monitoring services, a patient
25 shall meet any two of the following criteria:

26 (1) Be diagnosed, in the previous eighteen months, with one or more chronic
27 conditions, as defined by the Centers for Medicare and Medicaid Services, which
28 include but are not limited to sickle cell disease, mental illness, asthma, diabetes,
29 cancer, and heart disease.

1 (2) Have a recent history of costly service use due to one or more chronic
2 conditions as evidenced by two or more hospitalizations, including emergency room
3 visits, in the last twelve months.

4 (3) Have a recommendation from the patient's healthcare provider for disease
5 management services through remote patient monitoring.

6 §1227.6. Remote monitoring services

7 Remote patient monitoring services through telehealth may consist of all of
8 the following:

9 (1) An assessment, problem identification, and evaluation which includes all
10 of the following:

11 (a) Assessment and monitoring of clinical data, including but not limited to
12 appropriate vital signs, pain levels, and other biometric measures specified in the
13 plan of care and an assessment of responses to previous changes in the plan of care.

14 (b) Detection of condition changes based on the telehealth encounter that
15 may indicate the need for a change in the plan of care.

16 (2) Implementation of a management plan through one or more of the
17 following:

18 (a) Teaching regarding medication management as appropriate based on the
19 telemedicine findings for that encounter.

20 (b) Teaching regarding other interventions as appropriate to both the patient
21 and the caregiver.

22 (c) Management and evaluation of the plan of care including changes in visit
23 frequency or addition of other skilled services.

24 (d) Coordination of care with the ordering healthcare provider regarding
25 telehealth findings.

26 (e) Coordination and referral to other healthcare providers as needed.

27 (f) Referral for an in-person visit or the emergency room as needed.

28 §1227.7. Remote monitoring equipment and network requirements

29 Any telehealth equipment and network used for remote patient monitoring

1 services shall meet all of the following requirements:

2 (1) Compliance with applicable standards of the United States Food and
3 Drug Administration.

4 (2) Maintenance of telehealth equipment in good repair and free from safety
5 hazards.

6 (3) Installation of only new or sanitized equipment in the patient's home
7 setting.

8 (4) Accommodation of language options other than English.

9 (5) Availability of technical and clinical support services for the patient user
10 twenty-four hours a day, seven days a week.

11 §1227.8. Remote monitoring services; procedure code required

12 A. In any reimbursement claim for the remote monitoring services provided,
13 the appropriate procedure code as established by the Louisiana Department of Health
14 for the covered healthcare service shall be included with the appropriate modifier
15 indicating telehealth services were used.

16 B. Nothing in this Section shall prohibit any health benefit plan offered by
17 a health insurer, managed care organization, or other health payor from establishing
18 its own policy and payment structure for in lieu of service agreements with
19 providers.

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 896 Reengrossed

2024 Regular Session

Myers

Abstract: Establishes the "Louisiana Remote Patient Monitoring Program Law".

Proposed law shall be known and may be cited as the "Louisiana Remote Patient Monitoring Program Law".

Proposed law declares that remote patient monitoring services aim to allow more people to remain at home or in other residential settings and to improve the quality and cost of their care, including prevention of more costly care. Proposed law further provides that the goal of remote patient monitoring services provided through telehealth is to coordinate primary, acute, chronic disease, behavioral, and long-term social service needs for high need, high cost patients.

Proposed law defines "medical assistance program", "remote patient monitoring services", and "telehealth".

Proposed law allows remote patient monitoring services provided through telehealth to be used by patients who meet the requirements of proposed law and are capable and willing to use home telehealth and can maintain performance of needed tasks, or have the availability of informal caregivers to help with remote patient monitoring through telehealth.

Proposed law requires patients who participate in remote patient monitoring services to meet any two of the following qualifications:

- (1) Be diagnosed, in the previous 18 months, with one or more chronic conditions, as defined by the Centers for Medicare and Medicaid Services, which include but are not limited to sickle cell, mental illness, asthma, diabetes, cancer, and heart disease.
- (2) Have a recent history of costly service use due to one or more chronic conditions as evidenced by two or more hospitalizations, including emergency room visits, in the last 12 months.
- (3) Have a recommendation from the patient's healthcare provider for disease management services through remote patient monitoring.

Proposed law establishes certain criteria for the required assessment, problem identification, evaluation, management plan implementation required by proposed law.

Proposed law requires telehealth equipment and the network used for remote patient monitoring services to meet all of the following requirements:

- (1) Compliance with applicable standards of the U.S. Food and Drug Administration.
- (2) Maintenance of telehealth equipment in good repair and free from safety hazards.
- (3) Installation of only new or sanitized equipment in the patient's home setting.
- (4) Accommodation of language options other than English.
- (5) Availability of technical and clinical support services for the patient user 24 hours a day, 7 days a week.

Proposed law requires the appropriate procedure code as established by the La. Dept. of Health for the covered healthcare service to be included in any reimbursement claim for the remote monitoring services provided with the appropriate modifier indicating telehealth services were used.

Proposed law requires remote patient monitoring services as provided for in proposed law to be a covered service in the medical assistance program.

Proposed law allows a telehealth installation and training reimbursement to the provider via Medicaid. Requires the La. Dept. of Health to promulgate rules and regulations as are necessary for the implementation of proposed law.

Proposed law requires the implementation of proposed law to be applicable only upon either a specific appropriation or funds made available by the La. Dept. of Health for such implementation.

Proposed law provides that remote patient monitoring services through telehealth may consist of certain assessments and establishes provisions for implementation.

Proposed law further provides that nothing in proposed law shall prohibit any health benefit plan offered by a health insurer, managed care organization, or other health payor from establishing its own policy and payment structure for in lieu of service agreements with providers.

(Adds R.S. 40:1221.1 and 1227.1-1227.8)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Remove proposed law provision that requires only telehealth programs affiliated with a Louisiana healthcare facility to be eligible for reimbursements.
2. Remove proposed law provision that requires the originating site to be eligible to receive a facility fee.
3. Remove proposed law provision that does not allow a facility fee to be payable to the distant site.
4. Require the implementation of proposed law to be applicable only upon either a specific appropriation or funds made available by the La. Dept. of Health for such implementation.
5. Require the procedure code established by the La. Dept. of Health for the covered healthcare service to be included with the appropriate modifier indicating that telehealth services were used.
6. Remove mandatory language relative to remote patient monitoring services and allow remote patient monitoring services through telehealth to consist of certain assessments.
7. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Change references from "training fee" to "training reimbursement".
2. Clarify that the provider would receive funding from Medicaid for the training reimbursement.
3. Change references from "mental health" to "mental illness".
4. Make technical corrections.