

2024 Regular Session

ACT No. 749

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

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
30 and to improve the quality and cost of their care, including prevention of more costly

1 care.

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

5 §1227.3. Definitions

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

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

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

13 (b) Medication adherence monitoring.

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

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

16 §1227.4. Remote patient monitoring

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

22 §1227.5. Qualifications for patients

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

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

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

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

3 §1227.6. Remote monitoring services

4 Remote patient monitoring services through telehealth may consist of all of
5 the following:

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

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

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

13 (2) Implementation of a management plan through one or more of the
14 following:

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

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

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

21 (d) Coordination of care with the ordering healthcare provider regarding
22 telehealth findings.

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

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

25 §1227.7. Remote monitoring equipment and network requirements

26 Any telehealth equipment and network used for remote patient monitoring
27 services shall meet all of the following requirements:

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

30 (2) Maintenance of telehealth equipment in good repair and free from safety

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 hazards.

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

4 (4) Availability of technical and clinical support services for the patient user.

5 §1227.8. Remote monitoring services; procedure code required

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____