Telemedicine: The tale of legislation in Washington State

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The journey.....
How WSHA became involved

• Member-driven association of 99 hospitals and health systems in WA

• Member request – physician

• Started working on legislation in 2012
2013 legislative session

- Parity bill that required coverage for telemedicine services – broad definitions
- Required payment RATE to be equal to those services provided in-person
- Great advocacy involvement from WSMA and WSHA members
- Insurers opposed the bill – it died
Back to the basics – preparing for 2014

• Took a fresh look at the bill

• Formed a strong technical advisory committee – WSMA strong partner

• Started negotiations with the commercial insurers, then the Medicaid plans

• Had to compromise!

• Worked with key legislators along the way
Telemedicine legislation

For commercial health plans and Medicaid:

(1) A health plan...shall reimburse a provider for a health care service provided to a covered person through telemedicine if:

   (a) The plan provides coverage of the health care service when provided in-person by the provider; and
   (b) The health care service is medically necessary.

The plan may not distinguish between originating sites that are rural and urban in providing the coverage.
Telemedicine legislation

"Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or electronic mail.

Coverage begins for services delivered through telemedicine in January 2017.
Telemedicine legislation

(2) An originating site for a telemedicine health care service includes:
   (a) Hospital;
   (b) Rural health clinic;
   (c) Federally qualified health center;
   (d) Physician's or other health care provider's office;
   (e) Community mental health center;
   (f) Skilled nursing facility; or
   (g) Renal dialysis center, except an independent renal dialysis center.
And...We’re feeling good
The Senate hearing
We know now...

Telehealth Legislation Heats Up Nationwide

By Ryan McMillen on March 19, 2015

A number of states are in the process of pushing new legislation that would increase the use of telehealth services.

The political landscape is ripe with telehealth legislation. As the technology matures and the benefits become clearer, states need to adjust their oversight and reimbursement to ensure they are maximizing the potential of the technology. Here is a round-up of some of the most recent developments.

Idaho endorses telehealth bill

A 31-3 vote in the Idaho Senate passed a bill that outlined acceptable telemedicine practices. The legislation allows the Idaho licensing board to be in charge of the rules and oversight on the services that can be accessed via telehealth. The bill increases access to healthcare, especially in rural areas.

The three votes against the bill came from democratic senators. They opposed some language that would ban doctors from using telehealth for prescribing abortion-inducing drugs. This is a topic that has been heavily debated in other parts of the country.

The bill now awaits the governor’s signature.

Florida bill starts house movement

The conversation over a new telehealth bill in Florida has ended as it began moving forward in the house last week. If passed, it would increase the use of telehealth service and reimbursement in the state. It is backed by numerous lobbyist groups that include physicians, insurance and consumers.

According to Rep. Travis Cummings, (R-Orange Park), the house and senate were unable to come to an agreement over a similar telehealth bill last year. The sticking points included standards of care and state licensing. This year, negotiations have been continuous to achieve a compromise.

“Last year we made a good run at it and kind of ran out of time,” Cummings said.

Missouri pushing telehealth bills

Missouri House Representative Jay Barnes (R-Jefferson City) introduced Bill 319 earlier this month. It aims to change Medicaid reimbursement regulations, regarding telemedicine services.

According to...
2015 legislation

- Similar bill to 2014
- Senate Bill 5175
- Contains small tweaks
- Critiques of the bill – yes, we know
Lessons for other states

- Need a non-elected champion and good advisory group
- Identify a legislative champion
- Legislation sometimes takes years
- Keep at “it” and look for new angles
- Don’t let perfection be the enemy of good
- Don’t be afraid to compromise – to a point
Other legislation in WA

• State compact bill
  • The bill is dead for 2015

• Telemedicine board (Senate Bill 5986)
  • Conversation starter
  • Creates a board to develop requirements – limited
  • Develops 10-year strategic plan
  • The bill is dead for 2015
Advice for the future

• Legislation is only one route:
  • Contracting important
  • Where’s the business case?

• Payment models are changing, but market and technology is moving way faster

• Get aggressive!
The dirt road ends
Contact information

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Comments and Questions?