

REQUIRE TELEMEDICINE COVERAGE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4131 as introduced
Sponsor: Rep. Tullio Liberati, Jr.
Committee: Insurance and Financial Services
Complete to 9-13-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4131 would amend the Insurance Code to prohibit health insurance policies in Michigan from denying or restricting coverage for telemedicine services and to require that telemedicine services be treated the same as in-person medical care.

Currently, the act prohibits any insurer that delivers, issues for delivery, or renews a health insurance policy in Michigan from requiring face-to-face contact between a health care professional and patient for services that the insurer determines are appropriately provided through telemedicine.

The bill would additionally prohibit insurers from excluding services that are appropriately provided through telemedicine solely because they are not provided through in-person consultation or contact between a health care professional and a patient. The bill would also prohibit insurers from doing any of the following:

- Imposing any copayment, coinsurance, deductible, annual or lifetime dollar maximum on coverage, or any other durational benefit limit or maximum for telemedicine services other than those that apply to all items or services covered under the policy.
- Imposing a prior authorization requirement on coverage of telemedicine services that exceeds the requirement for in-person health care services.
- Requiring a demonstration that it is necessary to provide services to a patient through telemedicine.
- Restricting or denying coverage of telemedicine solely based on the communication technology or application used to deliver the services.
- Requiring a health care professional to be part of a telemedicine network.

The bill also would mandate that insurers provide coverage for the cost and reimburse the treating or consulting physician for telemedicine services on the same basis that they would for in-person treatment.

Under the bill, insurers would be able to do any of the following:

- Offer a policy containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, if the deductible, copayment, or coinsurance does not exceed those applicable to the same services if provided through in-person diagnosis, consultation, or treatment.
- Adopt policies to ensure that health care services provided through telemedicine submitted for payment comply with the same coding, documentation, and other requirements necessary for payment as an in-person service (other than the in-person requirement).

The bill would also add language providing that an insurer would not be in compliance with the network adequacy requirements under section 3428 of the Insurance Code¹ if either of the following apply:

- The insurer uses contracted telemedicine providers who provide only telemedicine services and do not provide in-person health care services in Michigan.
- Patients are not able to access appropriate in-person services in a timely manner on request.

Finally, the bill would require that telemedicine services conform with the standards of care that are applicable to the provider's profession and specialty.

The bill would apply to health insurance policies delivered, executed, issued, amended, adjusted, or renewed in Michigan, or outside of Michigan if covering Michigan residents, after December 31, 2023.

MCL 500.3476

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: Alex Stegbauer
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <http://legislature.mi.gov/doc.aspx?mcl-500-3428>