

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2120

By: McEntire of the House

and

Montgomery of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to telemedicine; amending 36 O.S.
12 2011, Section 6802, as last amended by Section 1 of
13 Enrolled Senate Bill No. 674 of the 1st Session of
14 the 58th Oklahoma Legislature, which relates to
15 definitions; modifying definitions; and providing an
16 effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 36 O.S. 2011, Section 6802, as
19 last amended by Section 1 of Enrolled Senate Bill No. 674 of the 1st
20 Session of the 58th Oklahoma Legislature, is amended to read as
21 follows:

22 Section 6802. As used in the Oklahoma Telemedicine Act:

23 1. "Distant site" means a site at which a health care
24 professional licensed to practice in this state is located while
providing health care services by means of telemedicine;

1 2. a. "Health ~~benefit~~ benefits plan" means any plan or
2 arrangement that:

3 (1) provides benefits for medical or surgical
4 expenses incurred as a result of a health
5 condition, accident or illness, and

6 (2) is offered by any insurance company, group
7 hospital service corporation or health
8 maintenance organization that delivers or issues
9 for delivery an individual, group, blanket or
10 franchise insurance policy or insurance
11 agreement, a group hospital service contract or
12 an evidence of coverage, or, to the extent
13 permitted by the Employee Retirement Income
14 Security Act of 1974, 29 U.S.C., Section 1001 et
15 seq., by a multiple employer welfare arrangement
16 as defined in Section 3 of the Employee
17 Retirement Income Security Act of 1974, or any
18 other analogous benefit arrangement, whether the
19 payment is fixed or by indemnity,

20 b. Health benefits plan shall not include:

21 (1) a plan that provides coverage:

22 (a) only for a specified disease or diseases or
23 under an individual limited benefit policy,

24 (b) only for accidental death or dismemberment,

- 1 (c) only for dental or vision care,
2 (d) for a hospital confinement indemnity policy,
3 (e) for disability income insurance or a
4 combination of accident-only and disability
5 income insurance, or
6 (f) as a supplement to liability insurance,
7 (2) a Medicare supplemental policy as defined by
8 Section 1882(g)(1) of the Social Security Act (42
9 U.S.C., Section 1395ss),
10 (3) workers' compensation insurance coverage,
11 (4) medical payment insurance issued as part of a
12 motor vehicle insurance policy,
13 (5) a long-term care policy including a nursing home
14 fixed indemnity policy, unless a determination is
15 made that the policy provides benefit coverage so
16 comprehensive that the policy meets the
17 definition of a health ~~benefit~~ benefits plan,
18 (6) short-term health insurance issued on a
19 nonrenewable basis with a duration of six (6)
20 months or less, or
21 (7) a plan offered by the Employees Group Insurance
22 Division of the Office of Management and
23 Enterprise Services;
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1 3. "Health care professional" means a physician or other health
2 care practitioner licensed, accredited or certified to perform
3 specified health care services consistent with state law;

4 4. "Insurer" means any entity providing an accident and health
5 insurance policy in this state including, but not limited to, a
6 licensed insurance company, a not-for-profit hospital service and
7 medical indemnity corporation, a fraternal benefit society, a
8 multiple employer welfare arrangement or any other entity subject to
9 regulation by the Insurance Commissioner;

10 5. ~~"mHealth", also referred to as "mobile health", means~~
11 ~~patient medical and health information and includes the use of the~~
12 ~~Internet and wireless devices by patients to obtain or create~~
13 ~~specialized health information and online discussion groups to~~
14 ~~provide peer-to-peer support;~~

15 ~~6.~~ "Originating site" means a site at which a patient is
16 located at the time health care services are provided to him or her
17 by means of telemedicine, which may include, but shall not be
18 restricted to, a patient's home, workplace or school;

19 ~~7.~~ 6. "Remote patient monitoring services" means the delivery
20 of home health services using telecommunications technology to
21 enhance the delivery of home health care including monitoring of
22 clinical patient data such as weight, blood pressure, pulse, pulse
23 oximetry, blood glucose and other condition-specific data,

1 medication adherence monitoring and interactive video conferencing
2 with or without digital image upload;

3 ~~8.~~ 7. "Store and forward transfer" means the transmission of a
4 patient's medical information either to or from an originating site
5 or to or from the health care professional at the distant site, but
6 does not require the patient being present nor must it be in real
7 time; and

8 ~~9.~~ 8. "Telemedicine" or "telehealth" means technology-enabled
9 health and care management and delivery systems that extend capacity
10 and access, which includes:

- 11 a. synchronous mechanisms, which may include live
12 audiovisual interaction between a patient and a health
13 care professional or real-time provider-to-provider
14 consultation through live interactive audiovisual
15 means,
- 16 b. asynchronous mechanisms, which include store and
17 forward transfers, online exchange of health
18 information between a patient and a health care
19 professional and online exchange of health information
20 between health care professionals, but shall not
21 include the use of automated text messages or
22 automated mobile applications that serve as the sole
23 interaction between a patient and a health care
24 professional,

- 1 c. remote patient monitoring, and
- 2 d. ~~mHealth~~, and
- 3 ~~e.~~ other electronic means that support clinical health
- 4 care, professional consultation, patient and
- 5 professional health-related education, public health
- 6 and health administration.

7 SECTION 2. This act shall become effective January 1, 2022.

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9 58-1-8266 AB 05/10/21

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