

An Act

ENROLLED HOUSE
BILL NO. 2120

By: McEntire of the House

and

Montgomery of the Senate

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

SUBJECT: Telemedicine

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

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

Section 6802. As used in the Oklahoma Telemedicine Act:

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

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

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

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

b. Health ~~benefit~~ benefits plan shall not include:

(1) a plan that provides coverage:

- (a) only for a specified disease or diseases or under an individual limited benefit policy,
- (b) only for accidental death or dismemberment,
- (c) only for dental or vision care,
- (d) for a hospital confinement indemnity policy,
- (e) for disability income insurance or a combination of accident-only and disability income insurance, or
- (f) as a supplement to liability insurance,

(2) a Medicare supplemental policy as defined by Section 1882(g)(1) of the Social Security Act (42 U.S.C., Section 1395ss),

(3) workers' compensation insurance coverage,

(4) medical payment insurance issued as part of a motor vehicle insurance policy,

(5) a long-term care policy including a nursing home fixed indemnity policy, unless a determination is

made that the policy provides benefit coverage so comprehensive that the policy meets the definition of a health ~~benefit~~ benefits plan,

- (6) short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less, or
- (7) a plan offered by the Employees Group Insurance Division of the Office of Management and Enterprise Services;

3. "Health care professional" means a physician or other health care practitioner licensed, accredited or certified to perform specified health care services consistent with state law;

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

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

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

~~7.~~ 6. "Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose and other condition-specific data, medication adherence monitoring and interactive video conferencing with or without digital image upload;

~~8.~~ 7. "Store and forward transfer" means the transmission of a patient's medical information either to or from an originating site or to or from the health care professional at the distant site, but

does not require the patient being present nor must it be in real time; and

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

- a. synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider-to-provider consultation through live interactive audiovisual means,
- b. asynchronous mechanisms, which include store and forward transfers, online exchange of health information between a patient and a health care professional and online exchange of health information between health care professionals, but shall not include the use of automated text messages or automated mobile applications that serve as the sole interaction between a patient and a health care professional,
- c. remote patient monitoring, and
- d. ~~mHealth, and~~
- ~~e.~~ other electronic means that support clinical health care, professional consultation, patient and professional health-related education, public health and health administration.

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

Passed the House of Representatives the 24th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of May, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____