

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2120**

By: McEntire of the House and Montgomery of the Senate

Title: Insurance; insurers; modifying conditions that consider an entity an insurer; compliance with Insurance Commissioner's requirements; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

**SENATE CONFEREES**

Montgomery \_\_\_\_\_

Quinn \_\_\_\_\_

Taylor \_\_\_\_\_

Stanley \_\_\_\_\_

Brooks \_\_\_\_\_

Matthews \_\_\_\_\_

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;

24

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,  
24

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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