

**HEARING ON**

**BILL 20-50**

**THE TELEMEDICINE REIMBURSEMENT ACT OF 2013**

**COMMITTEE ON BUSINESS, CONSUMER AND REGULATORY  
AFFAIRS**

**VINCENT ORANGE, CHAIRPERSON**



**TESTIMONY OF WILLIAM P. WHITE**

**COMMISSIONER**

**DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

**COUNCIL CHAMBER**

**ROOM 500**

**WILSON BUILDING**

**FEBRUARY 7, 2013**

**10:00 A.M.**

Good afternoon, Chairperson Orange and members of the Committee on Business, Consumer and Regulatory Affairs. I am William P. White, Commissioner of the Department of Insurance, Securities and Banking (“Department”). I am here to present testimony on the “Telemedicine Reimbursement Act of 2013,” Bill 20-50 (“Telemedicine Bill”).

The purpose of the Telemedicine Bill is to “require health insurance coverage for services delivered through telemedicine.” As such the Bill would require health insurance coverage and appropriate payment for health care services provided by interactive audio, video, or other electronic means to diagnose, consult, or treat patients (excluded are audio only telephone consults, e-mail messages or fax transmissions).

The Telemedicine Bill is a strong consumer benefit and the Executive supports the intent of the legislation to increase the delivery of health care services to a wider population in the District.

The District will be joining a trend of states, twenty (20) at last report, that have adopted telemedicine statutes, 14 of those states specifically mandate reimbursement for “telemedicine” services, most recently Maryland. [List is attached.] However, the Executive asks that the following points be considered as the legislation moves forward.

#### Definition of Telemedicine

“Telemedicine” is defined as “the delivery of healthcare services through the use of interactive audio, video, or other electronic media used for the purpose of

diagnosis, consultation, or treatment; **provided, that services delivered through audio-only telephones, electronic mail messages, or facsimile transmissions are not included.**” [emphasis added]. DISB would benefit from further guidance on the practical application of the telemedicine definition in order to establish an investigation and enforcement model for reimbursement complaints. A clarification of the definition of telemedicine and the specifics of services for which payment or reimbursement are mandated would go a long way to providing guidance to DISB as it seeks to enforce.

DISB does not have the expertise to determine if industry acceptable medical care was provided via Telemedicine Services

With the creation of this new option for access to medical care, there is currently no District law or regulation governing the scope of “telemedicine” that would clearly define what medical service and the quality of medical service that is expected of that medical professional, in a telemedicine scenario. DISB lacks the expertise to judge whether industry acceptable medical services were provided via telemedicine, which would be the basis of any DISB investigation of a consumer complaint seeking to enforce payment or reimbursement by insurance companies.

Amendments that address these concerns would put DISB in better stead to do its part to help the District meet this new legislative mandate.

Again, the Executive supports the intent of the Bill and looks forward to working with committee staff to iron out the concerns discussed here.

This concludes my testimony today, and I am available to answer any questions that the Committee may have.

## Exhibit

Jurisdictions that have adopted legislation **mandating** insurance company **reimbursement** for telemedicine treatment are listed below:

1. Maryland 2012 MD HB 1149 and 2012 SB 781
2. California CAL. HEALTH AND SAFETY CODE § 1374.13(c)
3. Colorado COLO. CODE REGS. § 10-16-123(2)
4. Georgia GA.CODE ANN. § 33-24-56.4(c)
5. Hawaii Haw.Rev. Stat. § 432:1-601.5(b)
6. Kentucky KY. REV. STAT. ANN. § 304.17A-138
7. Louisiana LA. REV. STAT. ANN. § 1821(F)(1)
8. Maine ME. REV. STAT. ANN. tit. 24A, § 4316(2)
9. New Hampshire NH REV. STAT. § 415-J:3(II)
10. Oklahoma OKLA. STAT. ANN. tit. 36, § 6803
11. Oregon OR. REV. STAT. ANN. § 743A.058(2)
12. Texas TEX. INS. CODE ANN. § 1455.004
13. Virginia VA CODE ANN. § 38.2-3418.16(C)
14. Vermont CODE 2011 VT HB 37