



The Legislature
of the
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

CHAPTER _____

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 171, as amended

Introduced by
POCKET VETOED



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AN ACT

RELATING TO HEALTH CARE COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE THAT PROVISION OF COVERED BENEFITS BE ALLOWED THROUGH TELEMEDICINE SERVICES; PROVIDING FOR REVIEW AND APPEAL RIGHTS FOR DENIALS OF TELEMEDICINE COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"COVERAGE FOR TELEMEDICINE SERVICES.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall allow covered benefits to be provided through telemedicine services. Coverage for health care services provided through telemedicine shall be determined in a manner consistent with coverage for health care services provided through in-person consultation.

B. The provisions of this section shall not be construed to require coverage of an otherwise noncovered benefit.

C. A determination by a group health plan that health care services delivered through the use of telemedicine are not covered under the plan shall be subject to review and

1 appeal pursuant to the Patient Protection Act.

2 D. The provisions of this section shall not apply
3 in the event that federal law requires the state to make
4 payments on behalf of enrollees to cover the costs of
5 implementing this section.

6 E. Nothing in this section shall require a health
7 care provider to be physically present with a patient at the
8 originating site unless the consulting telemedicine provider
9 deems it necessary.

10 F. Telemedicine used to provide clinical services
11 shall be encrypted and shall conform to state and federal
12 privacy laws.

13 G. The provisions of this section shall not apply
14 to group health coverage intended to supplement major medical
15 group-type coverage, such as medicare supplement, long-term
16 care, disability income, specified disease, accident-only,
17 hospital indemnity or any other limited-benefit health
18 insurance policy.

19 H. As used in this section:

20 (1) "consulting telemedicine provider" means
21 a health care provider that delivers telemedicine services
22 from a location remote from an originating site;

23 (2) "health care provider" means a duly
24 licensed hospital or other licensed facility, physician or
25 other health care professional authorized to furnish health

1 care services within the scope of the professional's license;

2 (3) "in real time" means occurring
3 simultaneously, instantaneously or within seconds of an event
4 so that there is little or no noticeable delay between two or
5 more events;

6 (4) "originating site" means a place at
7 which a patient is physically located and receiving health
8 care services via telemedicine;

9 (5) "store-and-forward technology" means
10 electronic information, imaging and communication, including
11 interactive audio, video and data communications, that is
12 transferred or recorded or otherwise stored for asynchronous
13 use; and

14 (6) "telemedicine" means the use of
15 interactive simultaneous audio and video or store-and-forward
16 technology using information and telecommunications
17 technologies by a health care provider to deliver health care
18 services at a site other than the site where the patient is
19 located, including the use of electronic media for
20 consultation relating to the health care diagnosis or
21 treatment of the patient in real time or through the use of
22 store-and-forward technology."

23 SECTION 2. A new section of Chapter 59A, Article 22
24 NMSA 1978 is enacted to read:

25 "COVERAGE FOR TELEMEDICINE SERVICES.--

1 A. An individual or group health insurance policy,
2 health care plan or certificate of health insurance that is
3 delivered, issued for delivery or renewed in this state shall
4 allow covered benefits to be provided through telemedicine
5 services. Coverage for health care services provided through
6 telemedicine shall be determined in a manner consistent with
7 coverage for health care services provided through in-person
8 consultation.

9 B. The provisions of this section shall not be
10 construed to require coverage of an otherwise noncovered
11 benefit.

12 C. A determination by an insurer that health care
13 services delivered through the use of telemedicine are not
14 covered under the plan shall be subject to review and appeal
15 pursuant to the Patient Protection Act.

16 D. The provisions of this section shall not apply
17 in the event that federal law requires the state to make
18 payments on behalf of enrollees to cover the costs of
19 implementing this section.

20 E. Nothing in this section shall require a health
21 care provider to be physically present with a patient at the
22 originating site unless the consulting telemedicine provider
23 deems it necessary.

24 F. Telemedicine used to provide clinical services
25 shall be encrypted and shall conform to state and federal

1 privacy laws.

2 G. The provisions of this section shall not apply
3 to an individual policy, plan or contract intended to
4 supplement major medical group-type coverage, such as medicare
5 supplement, long-term care, disability income, specified
6 disease, accident-only, hospital indemnity or any other
7 limited-benefit health insurance policy.

8 H. As used in this section:

9 (1) "consulting telemedicine provider" means
10 a health care provider that delivers telemedicine services
11 from a location remote from an originating site;

12 (2) "health care provider" means a duly
13 licensed hospital or other licensed facility, physician or
14 other health care professional authorized to furnish health
15 care services within the scope of the professional's license;

16 (3) "in real time" means occurring
17 simultaneously, instantaneously or within seconds of an event
18 so that there is little or no noticeable delay between two or
19 more events;

20 (4) "originating site" means a place at
21 which a patient is physically located and receiving health
22 care services via telemedicine;

23 (5) "store-and-forward technology" means
24 electronic information, imaging and communication, including
25 interactive audio, video and data communication, that is

1 transferred or recorded or otherwise stored for asynchronous
2 use; and

3 (6) "telemedicine" means the use of
4 interactive simultaneous audio and video or store-and-forward
5 technology using information and telecommunications
6 technologies by a health care provider to deliver health care
7 services at a site other than the site where the patient is
8 located, including the use of electronic media for
9 consultation relating to the health care diagnosis or
10 treatment of the patient in real time or through the use of
11 store-and-forward technology."

12 SECTION 3. A new section of Chapter 59A, Article 23
13 NMSA 1978 is enacted to read:

14 "COVERAGE FOR TELEMEDICINE SERVICES.--

15 A. A blanket or group health insurance policy or
16 contract that is delivered, issued for delivery or renewed in
17 this state shall allow covered benefits to be provided through
18 telemedicine services. Coverage for health care services
19 provided through telemedicine shall be determined in a manner
20 consistent with coverage for health care services provided
21 through in-person consultation.

22 B. The provisions of this section shall not be
23 construed to require coverage of an otherwise noncovered
24 benefit.

25 C. A determination by an insurer that health care

1 services delivered through the use of telemedicine are not
2 covered under the plan shall be subject to review and appeal
3 pursuant to the Patient Protection Act.

4 D. The provisions of this section shall not apply
5 in the event that federal law requires the state to make
6 payments on behalf of enrollees to cover the costs of
7 implementing this section.

8 E. Nothing in this section shall require a health
9 care provider to be physically present with a patient at the
10 originating site unless the consulting telemedicine provider
11 deems it necessary.

12 F. Telemedicine used to provide clinical services
13 shall be encrypted and shall conform to state and federal
14 privacy laws.

15 G. The provisions of this section shall not apply
16 to a group or blanket policy, plan or contract intended to
17 supplement major medical group-type coverage, such as medicare
18 supplement, long-term care, disability income, specified
19 disease, accident-only, hospital indemnity or any other
20 limited-benefit health insurance policy.

21 H. As used in this section:

22 (1) "consulting telemedicine provider" means
23 a health care provider that delivers telemedicine services
24 from a location remote from an originating site;

25 (2) "health care provider" means a duly

1 licensed hospital or other licensed facility, physician or
2 other health care professional authorized to furnish health
3 care services within the scope of the professional's license;

4 (3) "in real time" means occurring
5 simultaneously, instantaneously or within seconds of an event
6 so that there is little or no noticeable delay between two or
7 more events;

8 (4) "originating site" means a place at
9 which a patient is physically located and receiving health
10 care services via telemedicine;

11 (5) "store-and-forward technology" means
12 electronic information, imaging and communication, including
13 interactive audio, video and data communication, that is
14 transferred or recorded or otherwise stored for asynchronous
15 use; and

16 (6) "telemedicine" means the use of
17 interactive simultaneous audio and video or store-and-forward
18 technology using information and telecommunications
19 technologies by a health care provider to deliver health care
20 services at a site other than the site where the patient is
21 located, including the use of electronic media for
22 consultation relating to the health care diagnosis or
23 treatment of the patient in real time or through the use of
24 store-and-forward technology."

25 SECTION 4. A new section of the Health Maintenance

1 Organization Law is enacted to read:

2 "COVERAGE FOR TELEMEDICINE SERVICES.--

3 A. An individual or group health maintenance
4 organization contract that is delivered, issued for delivery
5 or renewed in this state shall allow covered benefits to be
6 provided through telemedicine services. Coverage for health
7 care services provided through telemedicine shall be
8 determined in a manner consistent with coverage for health
9 care services provided through in-person consultation.

10 B. The provisions of this section shall not be
11 construed to require coverage of an otherwise noncovered
12 benefit.

13 C. A determination by a health maintenance
14 organization that health care services delivered through the
15 use of telemedicine are not covered under the plan shall be
16 subject to review and appeal pursuant to the Patient
17 Protection Act.

18 D. The provisions of this section shall not apply
19 in the event that federal law requires the state to make
20 payments on behalf of enrollees to cover the costs of
21 implementing this section.

22 E. Nothing in this section shall require a health
23 care provider to be physically present with a patient at the
24 originating site unless the consulting telemedicine provider
25 deems it necessary.

1 F. Telemedicine used to provide clinical services
2 shall be encrypted and shall conform to state and federal
3 privacy laws.

4 G. The provisions of this section shall not apply
5 to an individual or group health maintenance organization
6 contract intended to supplement major medical group-type
7 coverage, such as medicare supplement, long-term care,
8 disability income, specified disease, accident-only, hospital
9 indemnity or any other limited-benefit health insurance
10 policy.

11 H. As used in this section:

12 (1) "consulting telemedicine provider" means
13 a health care provider that delivers telemedicine services
14 from a location remote from an originating site;

15 (2) "in real time" means occurring
16 simultaneously, instantaneously or within seconds of an event
17 so that there is little or no noticeable delay between two or
18 more events;

19 (3) "originating site" means a place at
20 which a patient is physically located and receiving health
21 care services via telemedicine;

22 (4) "store-and-forward technology" means
23 electronic information, imaging and communication, including
24 interactive audio, video and data communication, that is
25 transferred or recorded or otherwise stored for asynchronous

1 use; and

2 (5) "telemedicine" means the use of
3 interactive simultaneous audio and video or store-and-forward
4 technology using information and telecommunications
5 technologies by a health care provider to deliver health care
6 services within that provider's scope of practice at a site
7 other than the site where the patient is located, including
8 the use of electronic media for consultation relating to the
9 health care diagnosis or treatment of the patient in real time
10 or through the use of store-and-forward technology."

11 SECTION 5. A new section of Chapter 59A, Article 47
12 NMSA 1978 is enacted to read:

13 "COVERAGE FOR TELEMEDICINE SERVICES.--

14 A. An individual or group health insurance policy,
15 health care plan or certificate of health insurance delivered
16 or issued for delivery in this state shall allow covered
17 benefits to be provided through telemedicine services.

18 Coverage for health care services provided through
19 telemedicine shall be determined in a manner consistent with
20 coverage for health care services provided through in-person
21 consultation.

22 B. The provisions of this section shall not be
23 construed to require coverage of an otherwise noncovered
24 benefit.

25 C. A determination by a nonprofit health plan that

1 health care services delivered through the use of telemedicine
2 are not covered under the plan shall be subject to review and
3 appeal pursuant to the Patient Protection Act.

4 D. The provisions of this section shall not apply
5 in the event that federal law requires the state to make
6 payments on behalf of enrollees to cover the costs of
7 implementing this section.

8 E. Nothing in this section shall require a health
9 care provider to be physically present with a patient at the
10 originating site unless the consulting telemedicine provider
11 deems it necessary.

12 F. Telemedicine used to provide clinical services
13 shall be encrypted and shall conform to state and federal
14 privacy laws.

15 G. The provisions of this section shall not apply
16 to an individual or group health care plan intended to
17 supplement major medical group-type coverage, such as medicare
18 supplement, long-term care, disability income, specified
19 disease, accident-only, hospital indemnity or any other
20 limited-benefit health insurance policy.

21 H. As used in this section:

22 (1) "consulting telemedicine provider" means
23 a health care provider that delivers telemedicine services
24 from a location remote from an originating site;

25 (2) "health care provider" means a duly

1 licensed hospital or other licensed facility, physician or
2 other health care professional authorized to furnish health
3 care services within the scope of the professional's license;

4 (3) "in real time" means occurring
5 simultaneously, instantaneously or within seconds of an event
6 so that there is little or no noticeable delay between two or
7 more events;

8 (4) "originating site" means a place at
9 which a patient is physically located and receiving health
10 care services via telemedicine;

11 (5) "store-and-forward technology" means
12 electronic information, imaging and communication, including
13 interactive audio, video and data communication, that is
14 transferred or recorded or otherwise stored for asynchronous
15 use; and

16 (6) "telemedicine" means the use of
17 interactive simultaneous audio and video or store-and-forward
18 technology using information and telecommunications
19 technologies by a health care provider to deliver health care
20 services at a site other than the site where the patient is
21 located, including the use of electronic media for
22 consultation relating to the health care diagnosis or
23 treatment of the patient in real time or through the use of
24 ~~store-and-forward~~ "technology."

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2000/05/07

S/ W. KEN MARTINEZ
W. KEN MARTINEZ, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2013

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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