

SUBSTITUTE FOR
HOUSE BILL NO. 4213

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 105h (MCL 400.105h), as added by 2020 PA 101.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 105h. (1) Beginning October 1, 2020, telemedicine
2 services are covered under the medical assistance program and
3 Healthy Michigan program if the originating site is an in-home or
4 in-school setting, in addition to any other originating site
5 allowed in the Medicaid provider manual or any established site
6 considered appropriate by the provider. **Beginning the effective**
7 **date of the amendatory act that added subsection (7), telemedicine**
8 **services are also covered under the medical assistance program and**
9 **Healthy Michigan program if those services are provided at, or**

1 contracted through, a distant site allowed in the Medicaid provider
2 manual.

3 (2) The medical assistance program and Healthy Michigan
4 program must include an extensive set of the programs' services and
5 benefits as covered telemedicine services including, at a minimum,
6 medical, dental, behavioral, and substance use disorder services.

7 (3) The medical assistance program and Healthy Michigan
8 program must authorize as many types of providers as appropriate
9 per scope of practice to effectively render telemedicine services.

10 (4) Telemedicine services are covered both when a distant
11 provider's synchronous interactions occur using an audio and video
12 electronic media or when using an audio-only electronic media.

13 (5) ~~(2)~~—The distant provider or organization is responsible
14 for verifying a recipient's identification and program eligibility.

15 (6) ~~(3)~~—The distant provider or organization must ensure that
16 the information is available to the primary care provider.

17 (7) The distant provider must encourage the recipient to
18 proceed with the telemedicine service only if the recipient is in a
19 safe and private environment.

20 (8) The distant provider must follow generally accepted
21 clinical practice guidelines and ensure the clinical
22 appropriateness and effectiveness of services delivered using
23 telemedicine.

24 (9) The medical assistance program and Healthy Michigan
25 program shall not do any of the following:

26 (a) Impose quantity or dollar amount maximums or limitations
27 for services delivered using telemedicine that are more restrictive
28 than those imposed on comparable in-person services.

29 (b) Reimburse distant providers for telemedicine services at a

1 lower rate than comparable services rendered in person, except when
2 reimbursing a provider who exclusively provides telemedicine
3 services.

4 (c) Impose specific requirements or limitations on the
5 technologies used to deliver telemedicine services, unless
6 necessary to ensure the safety of a recipient, and the technology
7 is compliant with requirements of the health insurance portability
8 and accountability act of 1996, Public Law 104-191.

9 (d) Impose additional certification, location, or training
10 requirements on health care professionals who are distant providers
11 as a condition of reimbursing the distant provider for telemedicine
12 services.

13 (10) A telemedicine service is an allowable encounter for a
14 federally qualified health center, rural health clinic, or tribal
15 health center in the medical assistance program or Healthy Michigan
16 program.

17 (11) Reimbursement for telemedicine services authorized under
18 this section is contingent upon the availability of federal
19 financial participation for those services in the medical
20 assistance program and the Healthy Michigan program.

21 (12) The department must seek any necessary waiver or state
22 plan amendment from the United States Department of Health and
23 Human Services to implement the provisions of this section.

24 (13) Telemedicine services authorized under this section must
25 be incorporated in rate development for any managed care program
26 that is implemented in the medical assistance program and the
27 Healthy Michigan program subject to federal actuarial soundness
28 requirements.

29 (14) ~~(4)~~As used in this section:

1 (a) "Distant provider" and "distant site" mean the location of
2 the health care professional providing the service at the time the
3 service is being furnished by a telecommunications system and the
4 health care professional providing those services. Distant site may
5 include the health care professional's office or any established
6 site considered appropriate by the health care professional as long
7 as the privacy of the recipient and security of the information
8 shared during the telemedicine visit are maintained.

9 (b) ~~(a)~~—"Originating site" means the location of the eligible
10 recipient at the time the service being furnished by a
11 telecommunications system occurs.

12 (c) ~~(b)~~—"Telemedicine" means that term as defined in section
13 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.