

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1089

AN ACT

AMENDING SECTIONS 20-841.09, 20-1057.13, 20-1376.05 AND 20-1406.05,
ARIZONA REVISED STATUTES; RELATING TO TELEMEDICINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-841.09, Arizona Revised Statutes, is amended
3 to read:

4 20-841.09. Telemedicine; coverage of health care services;
5 definition

6 A. All contracts issued, delivered or renewed on or after
7 January 1, 2018 must provide coverage for health care services that are
8 provided through telemedicine if the health care service would be covered
9 were it provided through in-person consultation between the subscriber and
10 a health care provider and provided to a subscriber receiving the service
11 in this state. **A CORPORATION MAY NOT LIMIT OR DENY THE COVERAGE OF HEALTH
12 CARE SERVICES PROVIDED THROUGH TELEMEDICINE AND MAY APPLY ONLY THE SAME
13 LIMITS OR EXCLUSIONS ON A HEALTH CARE SERVICE PROVIDED THROUGH
14 TELEMEDICINE THAT ARE APPLICABLE TO AN IN-PERSON CONSULTATION FOR THE SAME
15 HEALTH CARE SERVICE.** The contract may limit the coverage to those health
16 care providers who are members of the corporation's provider network.

17 B. This section does not prevent a corporation from imposing
18 deductibles, copayment or coinsurance requirements for a health care
19 service provided through telemedicine if the deductible, copayment or
20 coinsurance does not exceed the deductible, copayment or coinsurance
21 applicable to an in-person consultation for the same health care service.

22 C. Services provided through telemedicine or resulting from a
23 telemedicine consultation **ARE SUBJECT TO ALL OF THIS STATE'S LAWS AND
24 RULES THAT GOVERN PRESCRIBING, DISPENSING AND ADMINISTERING PRESCRIPTION
25 PHARMACEUTICALS AND DEVICES AND** shall comply with Arizona licensure
26 requirements, ~~accreditation standards~~ and any practice guidelines of a
27 national association of medical professionals promoting access to medical
28 care for consumers via telecommunications technology or other qualified
29 medical professional societies to ensure quality of care.

30 D. This section does not apply to limited benefit coverage as
31 defined in section 20-1137.

32 E. For the purposes of this section, ~~—~~

33 ~~1. "Health care services" means services provided for the following~~
34 ~~conditions or in the following settings:~~

35 ~~(a) Trauma.~~

36 ~~(b) Burn.~~

37 ~~(c) Cardiology.~~

38 ~~(d) Infectious diseases.~~

39 ~~(e) Mental health disorders.~~

40 ~~(f) Neurologic diseases including strokes.~~

41 ~~(g) Dermatology.~~

42 ~~(h) Pulmonology.~~

43 ~~(i) Beginning January 1, 2020, urology.~~

44 ~~(j) Beginning January 1, 2019, pain medicine.~~

45 ~~(k) Beginning January 1, 2019, substance abuse.~~

1 ~~2.~~ "telemedicine":

2 ~~(a)~~ 1. Means the interactive use of audio, video or other
3 electronic media, **INCLUDING ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGIES**
4 **AND REMOTE PATIENT MONITORING TECHNOLOGIES**, for the purpose of diagnosis,
5 consultation or treatment.

6 ~~(b)~~ 2. Does not include the sole use of an audio-only telephone, a
7 video-only system, a facsimile machine, instant messages or electronic
8 mail.

9 Sec. 2. Section 20-1057.13, Arizona Revised Statutes, is amended to
10 read:

11 **20-1057.13. Telemedicine; coverage of health care services;**
12 **definition**

13 A. An evidence of coverage issued, delivered or renewed by a health
14 care services organization on or after January 1, 2018 must provide
15 coverage for health care services that are provided through telemedicine
16 if the health care service would be covered were it provided through
17 in-person consultation between the enrollee and a health care provider and
18 provided to an enrollee receiving the service in this state. **A HEALTH**
19 **CARE SERVICES ORGANIZATION MAY NOT LIMIT OR DENY THE COVERAGE OF HEALTH**
20 **CARE SERVICES PROVIDED THROUGH TELEMEDICINE AND MAY APPLY ONLY THE SAME**
21 **LIMITS OR EXCLUSIONS ON A HEALTH CARE SERVICE PROVIDED THROUGH**
22 **TELEMEDICINE THAT ARE APPLICABLE TO AN IN-PERSON CONSULTATION FOR THE SAME**
23 **HEALTH CARE SERVICE.** The evidence of coverage may limit the coverage to
24 those health care providers who are members of the health care services
25 organization's provider network.

26 B. This section does not prevent a health care services
27 organization from imposing deductibles, copayment or coinsurance
28 requirements for a health care service provided through telemedicine if
29 the deductible, copayment or coinsurance does not exceed the deductible,
30 copayment or coinsurance applicable to an in-person consultation for the
31 same health care service.

32 C. Services provided through telemedicine or resulting from a
33 telemedicine consultation **ARE SUBJECT TO ALL OF THIS STATE'S LAWS AND**
34 **RULES THAT GOVERN PRESCRIBING, DISPENSING AND ADMINISTERING PRESCRIPTION**
35 **PHARMACEUTICALS AND DEVICES AND** shall comply with Arizona licensure
36 requirements, ~~accreditation standards~~ and any practice guidelines of a
37 national association of medical professionals promoting access to medical
38 care for consumers via telecommunications technology or other qualified
39 medical professional societies to ensure quality of care.

40 D. This section does not apply to limited benefit coverage as
41 defined in section 20-1137.

42 E. For the purposes of this section, ~~1.~~

43 ~~1. "Health care services" means services provided for the following~~
44 ~~conditions or in the following settings:~~

- 1 ~~(a) Trauma.~~
- 2 ~~(b) Burn.~~
- 3 ~~(c) Cardiology.~~
- 4 ~~(d) Infectious diseases.~~
- 5 ~~(e) Mental health disorders.~~
- 6 ~~(f) Neurologic diseases including strokes.~~
- 7 ~~(g) Dermatology.~~
- 8 ~~(h) Pulmonology.~~
- 9 ~~(i) Beginning January 1, 2020, urology.~~
- 10 ~~(j) Beginning January 1, 2019, pain medicine.~~
- 11 ~~(k) Beginning January 1, 2019, substance abuse.~~

12 ~~2.~~ "telemedicine":

13 ~~(a)~~ 1. Means the interactive use of audio, video or other
14 electronic media, INCLUDING ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGIES
15 AND REMOTE PATIENT MONITORING TECHNOLOGIES, for the purpose of diagnosis,
16 consultation or treatment.

17 ~~(b)~~ 2. Does not include the sole use of an audio-only telephone, a
18 video-only system, a facsimile machine, instant messages or electronic
19 mail.

20 Sec. 3. Section 20-1376.05, Arizona Revised Statutes, is amended to
21 read:

22 20-1376.05. Telemedicine; coverage of health care services;
23 definition

24 A. All policies issued, delivered or renewed by a disability
25 insurer on or after January 1, 2018 must provide coverage for health care
26 services that are provided through telemedicine if the health care service
27 would be covered were it provided through in-person consultation between
28 the insured and a health care provider and provided to an insured
29 receiving the service in this state. A DISABILITY INSURER MAY NOT LIMIT
30 OR DENY THE COVERAGE OF HEALTH CARE SERVICES PROVIDED THROUGH TELEMEDICINE
31 AND MAY APPLY ONLY THE SAME LIMITS OR EXCLUSIONS ON A HEALTH CARE SERVICE
32 PROVIDED THROUGH TELEMEDICINE THAT ARE APPLICABLE TO AN IN-PERSON
33 CONSULTATION FOR THE SAME HEALTH CARE SERVICE. The policy may limit the
34 coverage to those health care providers who are members of the disability
35 insurer's provider network.

36 B. This section does not prevent a disability insurer from imposing
37 deductibles, copayment or coinsurance requirements for a health care
38 service provided through telemedicine if the deductible, copayment or
39 coinsurance does not exceed the deductible, copayment or coinsurance
40 applicable to an in-person consultation for the same health care service.

41 C. Services provided through telemedicine or resulting from a
42 telemedicine consultation ARE SUBJECT TO ALL OF THIS STATE'S LAWS AND
43 RULES THAT GOVERN PRESCRIBING, DISPENSING AND ADMINISTERING PRESCRIPTION
44 PHARMACEUTICALS AND DEVICES AND shall comply with Arizona licensure
45 requirements, ~~accreditation standards~~ and any practice guidelines of a

1 national association of medical professionals promoting access to medical
2 care for consumers via telecommunications technology or other qualified
3 medical professional societies to ensure quality of care.

4 D. This section does not apply to limited benefit coverage as
5 defined in section 20-1137.

6 E. For the purposes of this section, ~~—~~

7 ~~1. "Health care services" means services provided for the following~~
8 ~~conditions or in the following settings:~~

9 ~~(a) Trauma.~~

10 ~~(b) Burn.~~

11 ~~(c) Cardiology.~~

12 ~~(d) Infectious diseases.~~

13 ~~(e) Mental health disorders.~~

14 ~~(f) Neurologic diseases including strokes.~~

15 ~~(g) Dermatology.~~

16 ~~(h) Pulmonology.~~

17 ~~(i) Beginning January 1, 2020, urology.~~

18 ~~(j) Beginning January 1, 2019, pain medicine.~~

19 ~~(k) Beginning January 1, 2019, substance abuse.~~

20 ~~2. "telemedicine":~~

21 ~~(a) 1. Means the interactive use of audio, video or other~~
22 ~~electronic media, INCLUDING ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGIES~~
23 ~~AND REMOTE PATIENT MONITORING TECHNOLOGIES, for the purpose of diagnosis,~~
24 ~~consultation or treatment.~~

25 ~~(b) 2. Does not include the sole use of an audio-only telephone, a~~
26 ~~video-only system, a facsimile machine, instant messages or electronic~~
27 ~~mail.~~

28 Sec. 4. Section 20-1406.05, Arizona Revised Statutes, is amended to
29 read:

30 20-1406.05. Telemedicine; coverage of health care services;
31 definition

32 A. All policies issued, delivered or renewed by a group disability
33 insurer or a blanket disability insurer on or after January 1, 2018 must
34 provide coverage for health care services that are provided through
35 telemedicine if the health care service would be covered were it provided
36 through in-person consultation between the insured and a health care
37 provider and provided to an insured receiving the service in this state.
38 A BLANKET DISABILITY INSURER MAY NOT LIMIT OR DENY THE COVERAGE OF HEALTH
39 CARE SERVICES PROVIDED THROUGH TELEMEDICINE AND MAY APPLY ONLY THE SAME
40 LIMITS OR EXCLUSIONS ON A HEALTH CARE SERVICE PROVIDED THROUGH
41 TELEMEDICINE THAT ARE APPLICABLE TO AN IN-PERSON CONSULTATION FOR THE SAME
42 HEALTH CARE SERVICE. The policy may limit the coverage to those health
43 care providers who are members of the insurer's provider network.

44 B. This section does not prevent a group or blanket disability
45 insurer from imposing deductibles, copayment or coinsurance requirements

1 for a health care service provided through telemedicine if the deductible,
2 copayment or coinsurance does not exceed the deductible, copayment or
3 coinsurance applicable to an in-person consultation for the same health
4 care service.

5 C. Services provided through telemedicine or resulting from a
6 telemedicine consultation ARE SUBJECT TO ALL OF THIS STATE'S LAWS AND
7 RULES THAT GOVERN PRESCRIBING, DISPENSING AND ADMINISTERING PRESCRIPTION
8 PHARMACEUTICALS AND DEVICES AND shall comply with Arizona licensure
9 requirements, ~~accreditation standards~~ and any practice guidelines of a
10 national association of medical professionals promoting access to medical
11 care for consumers via telecommunications technology or other qualified
12 medical professional societies to ensure quality of care.

13 D. This section does not apply to limited benefit coverage as
14 defined in section 20-1137.

15 E. For the purposes of this section, ~~:-~~

16 ~~1. "Health care services" means services provided for the following~~
17 ~~conditions or in the following settings:~~

18 ~~(a) Trauma.~~

19 ~~(b) Burn.~~

20 ~~(c) Cardiology.~~

21 ~~(d) Infectious diseases.~~

22 ~~(e) Mental health disorders.~~

23 ~~(f) Neurologic diseases including strokes.~~

24 ~~(g) Dermatology.~~

25 ~~(h) Pulmonology.~~

26 ~~(i) Beginning January 1, 2020, urology.~~

27 ~~(j) Beginning January 1, 2019, pain medicine.~~

28 ~~(k) Beginning January 1, 2019, substance abuse.~~

29 ~~2. "telemedicine":~~

30 ~~(a) 1. Means the interactive use of audio, video or other~~
31 ~~electronic media, INCLUDING ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGIES~~
32 ~~AND REMOTE PATIENT MONITORING TECHNOLOGIES, for the purpose of diagnosis,~~
33 ~~consultation or treatment.~~

34 ~~(b) 2. Does not include the sole use of an audio-only telephone, a~~
35 ~~video-only system, a facsimile machine, instant messages or electronic~~
36 ~~mail.~~

37 Sec. 5. Effective date

38 This act is effective from and after December 31, 2020.