

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Telehealth-insurance parity.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to insurance; requiring that insurers
2 provide the same benefits and coverage for healthcare
3 services delivered through telehealth as services delivered
4 through other methods; amending definitions related to
5 telemedicine; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 26-20-701 is created to read:

10

11

ARTICLE 7: TELEHEALTH PARITY

12

1 **26-20-701. Telehealth insurance parity.**

2

3 (a) No individual or group health insurance policy
4 providing coverage on an expense incurred basis, individual
5 and group service or indemnity type contract issued by any
6 insurer including any nonprofit corporation and individual
7 and no group service contract issued by a health
8 maintenance organization, shall distinguish between the
9 delivery of healthcare services on the basis of whether the
10 services were delivered through the use of telehealth or
11 through in-person or personal contact when determining any
12 person's benefits, coverage, payment, reimbursement,
13 premium, deductible, copayment, coinsurance or for any
14 other purpose. The department of insurance may establish
15 exceptions to the applicability of this subsection by rule.

16

17 *****

18

STAFF COMMENT

19

Subsection (b), below, requires insurers to include a reasonable payment for transmission costs when a provider uses telehealth. This provision is included in the Colorado law that serves as the template for this draft legislation. It is unclear if the Committee intended to include this requirement.

26

27

It also may be prudent for the Committee to consider what the term "transmission costs" means

28

1 **and whether a more descriptive term could be**
2 **used.**

3 *****
4

5 (b) All payments or reimbursements made for the
6 provision of healthcare services by telehealth shall
7 include reasonable compensation to the originating site for
8 the transmission costs incurred during the delivery of
9 healthcare through telehealth.

10

11 (c) This section does not apply to:

12

13 (i) Short-term travel, accident-only, limited or
14 specified disease or individual conversion policies or
15 contracts;

16

17 (ii) Policies and contracts, as described in
18 subsection (a) of this section, designed for issuance to
19 persons ineligible for coverage under Title XVIII
20 **(Medicare)** of the Social Security Act, as amended, or any
21 other similar coverage under state or federal governmental
22 plans.

23

1 (d) This section shall apply to all policies and
2 contracts, as described in subsection (a) of this section,
3 issued, renewed or amended on or after January 1, 2018.

4

5 (e) Private third party payors may not refuse, reduce
6 or eliminate coverage due to the requirements of this
7 section.

8

9 (f) Enforcement of this section shall be performed by
10 the commissioner or his designee.

11

12 *****

13 **STAFF COMMENT**

14 **With regard to the definitions below:**

15

16 Please be aware that the terms "telehealth,"
17 "telemedicine" and "telemedicine/telehealth" are
18 used in the Wyoming Statutes. It may be
19 appropriate to choose one term and then amend all
20 provisions in Wyoming law to use that term.
21 However, defining the term "telehealth" for
22 purposes of requiring insurance coverage in the
23 insurance code likely would not necessitate any
24 change to other parts of the Wyoming statutes.

25

26 Please be aware that the use of the term
27 "telemedicine" in the statutes applicable to
28 physicians is meant to mean the practice of
29 telehealth by physicians, and not by other health
30 care providers. For this reason, it may be
31 advisable to maintain the term "telemedicine" in
32 those statutes pertaining to physicians.

33

1 If the Committee wishes to adopt the uniform term
2 "telehealth," suggested amendments are included
3 in Section 2, below.
4

5 With regard to Colorado's definition of
6 "telehealth," which is used in this legislation,
7 Wyoming has used simpler definitions in the
8 Wyoming statutes. [See below] These more simple
9 definitions may be appropriate. However,
10 consideration should be given to whether
11 Colorado's language is designed to avoid the
12 unintended consequences of an over-simplified
13 definition. Because the more simple definitions
14 used elsewhere in the Wyoming Statutes are not
15 applicable to insurance, the use of a more
16 detailed definition in this statute likely would
17 not create a conflict.
18

19 Current Wyoming Statutory Definitions:
20

21 Medical Practice Act: 33-26-102(a) (xxix)
22 *"Telemedicine" means the practice of medicine by*
23 *electronic communication or other means from a*
24 *physician in a location to a patient in another*
25 *location, with or without an intervening health*
26 *care provider.*
27

28 Occupational Therapy Practice Act: 33-40-
29 102(a) (v)
30 *"Occupational therapy telehealth" means the*
31 *provision of occupational therapy services across*
32 *a distance, using telecommunications technology*
33 *for the evaluation, intervention or consultation*
34 *without requiring the occupational therapist and*
35 *recipient to be physically located in the same*
36 *place;*

37 *****
38

39 (g) For purposes of this section:
40

1 (i) "Distant site" means a site at which a
2 provider is located while providing healthcare services by
3 means of telehealth;

4

5 (ii) "Originating site" means a site at which a
6 patient is located at the time healthcare services are
7 provided by means of telehealth. An originating site does
8 not include a private residence at which the patient is
9 located when he or she receives healthcare services through
10 telehealth;

11

12 (iii) "Store-and-forward transfer" means the
13 electronic transfer of a patient's medical information or
14 an interaction between providers that occurs between an
15 originating site and distant sites when the patient is not
16 present;

17

18 (iv) "Synchronous interaction" means a real-time
19 interaction between a patient located at the originating
20 site and a provider located at a distant site;

21

22 (v) "Telehealth" means a mode of delivery of
23 healthcare services through telecommunications systems,

1 including information, electronic and communication
 2 technologies, to facilitate the assessment, diagnosis,
 3 consultation, treatment, education, care management or
 4 self-management of a patient's health while the patient is
 5 located at an originating site and the provider is located
 6 at a distant site. The term includes synchronous
 7 interactions and store-and-forward transfers. Telehealth
 8 does not include the delivery of healthcare services via
 9 telephone, facsimile machine or electronic mail systems.

10
 11
 12

13 *****
 14 **STAFF COMMENT**
 15 **Section 2, below, can be deleted if the Committee**
 16 **does not wish to conform all Wyoming's statutory**
 17 **law to use the term "telehealth."**
 18 *****
 19

20 **Section 2.** W.S. 33-26-102(a)(xxix) and 33-26-
 21 202(b)(xix) are amended to read:

22
 23
 24

33-26-102. Definitions.

25 (a) As used in this chapter:

26

