

SENATE BILL NO. 1135

June 30, 2022, Introduced by Senator MACDONALD and referred to the Committee on Health Policy and Human Services.

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 October 1, 2022,**

1 telemedicine services are also covered under the medical assistance
2 program and Healthy Michigan program if those services are provided
3 at, or contracted through, a distant site allowed in the Medicaid
4 provider manual.

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

10 (3) The medical assistance program and Healthy Michigan
11 program must authorize as many types of healthcare distant
12 providers as allowable by law to render telemedicine services.

13 (4) Telemedicine services are covered both when a distant
14 provider's real-time interactions occur using an audio and video
15 electronic media or when using an audio only electronic media. If
16 using an audio only electronic media, the distant provider or
17 organization must have rendered a previous in-person service or
18 telemedicine service using audio and video to the patient, or must
19 render telemedicine service using audio and video to the patient in
20 the 12 months following the telemedicine service using audio-only
21 electronic media.

22 (5) ~~(2)~~—The distant provider or organization is responsible
23 for verifying a recipient's identification and program eligibility.

24 (6) ~~(3)~~—The distant provider or organization must ensure that
25 the information is available to the primary care provider.

26 (7) The medical assistance program and Healthy Michigan
27 program shall not do any of the following:

28 (a) Impose quantity or dollar amount maximums or limitations
29 for services delivered using telemedicine that are more restrictive

1 than those imposed on in-person services.

2 (b) Reimburse distant providers for telemedicine services at a
3 lower rate than services rendered in person.

4 (c) Impose specific requirements or limitations on the
5 technologies used to deliver telemedicine services, except that the
6 technology be compliant with requirements of the health insurance
7 portability and accountability act of 1996, Public Law 104-191.

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

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

16 (9) Telemedicine services authorized under this section must
17 be reimbursed by the medical assistance program and the Healthy
18 Michigan program in, at least, the same amount as would be
19 reimbursed if the service was provided in person.

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

23 (11) ~~(4)~~—As used in this section:

24 (a) "Distant site" means the location of the health care
25 professional providing the service at the time the service is being
26 furnished by a telecommunications system. Distant site may include
27 the provider's office or any established site considered
28 appropriate by the provider as long as the privacy of the recipient
29 and security of the information shared during the telemedicine

1 **visit are maintained.**

2 **(b)** ~~(a)~~ "Originating site" means the location of the eligible
3 recipient at the time the service being furnished by a
4 telecommunications system occurs.

5 **(c)** ~~(b)~~ "Telemedicine" means that term as defined in section
6 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.