

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

***** 400.105h.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

400.105h.amended Telemedicine; location; eligibility; prohibited conduct; definitions.

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

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

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

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

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

(6) The distant provider or organization must ensure that the information is available to the primary care provider.

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

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

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

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

(b) Reimburse distant providers for telemedicine services at a lower rate than comparable services rendered in person, except when reimbursing a provider who exclusively provides telemedicine services.

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

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

(e) Require a recipient to use telemedicine services in lieu of in-person consultation or contact.

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

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

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

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

(14) As used in this section:

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

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

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

History: Add. 2020, Act 101, Imd. Eff. June 24, 2020;—Am. 2024, Act 53, Eff. (sine die);—Am. 2024, Act 54, Eff. (sine die).

Popular name: Act 280