

CHAPTER 46

HEALTH CARE POLICY AND FINANCING

SENATE BILL 08-068

BY SENATOR(S) Brophy, Bacon, Boyd, Gibbs, Gordon, Groff, Isgar, Johnson, Keller, Kester, Kopp, Mitchell S., Morse, Penry, Renfroe, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Taylor, Tochtrop, Veiga, Ward, Williams, and Windels; also REPRESENTATIVE(S) Lundberg, Stephens, Butcher, Carroll M., Curry, Frangas, Garza Hicks, Hodge, Jahn, Kefalas, Kerr A., Kerr J., Labuda, Lambert, Liston, Massey, McFadyen, Merrifield, Rice, Riesberg, Roberts, Rose, Scanlan, Solano, Sonnenberg, Stafford, Summers, Swalm, Todd, White, and Witwer.

AN ACT

CONCERNING AUTHORIZATION OF THE USE OF TELEMEDICINE IN PROVIDING MENTAL HEALTH CARE SERVICES UNDER THE MEDICAID PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25.5-4-405, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25.5-4-405. Mental health managed care service providers - requirements. (1.5) EACH CONTRACT BETWEEN THE STATE DEPARTMENT AND A MANAGED CARE ORGANIZATION PROVIDING MENTAL HEALTH SERVICES TO A RECIPIENT UNDER THE MEDICAL ASSISTANCE PROGRAM SHALL ALLOW FOR THE USE OF TELEMEDICINE PURSUANT TO THE PROVISIONS OF SECTION 25.5-5-320.

SECTION 2. 25.5-4-408 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-4-408. Services provided by licensed psychologists - cost containment program. (1) Working in conjunction with licensed psychologists in the state, the state board shall promulgate rules to establish and implement mechanisms for containing the costs of services provided by licensed psychologists under the medical assistance programs established pursuant to this article and articles 5 and 6 of this title. The cost containment mechanism shall insure that the costs to the medical assistance program will result in no increase in the total cost of the program solely as a result of the reimbursement for services of licensed psychologists pursuant to section 25.5-4-407. The cost containment mechanisms may include the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

following:

(e) PROVISION OF A LICENSED PSYCHOLOGIST'S SERVICES THROUGH THE USE OF TELEMEDICINE PURSUANT TO THE PROVISIONS OF SECTION 25.5-5-320.

SECTION 3. 25.5-5-320 (1) and (3), the introductory portion to 25.5-5-320 (4), and 25.5-5-320 (4) (a), Colorado Revised Statutes, are amended to read:

25.5-5-320. Telemedicine - reimbursement - disclosure statement. (1) On or after July 1, 2006, in-person contact between a health care OR MENTAL HEALTH CARE provider and a patient shall not be required under the state's medical assistance program for health care OR MENTAL HEALTH CARE services delivered through telemedicine that are otherwise eligible for reimbursement under the program. The services shall be subject to reimbursement policies developed pursuant to the medical assistance program. This section also applies to managed care organizations that contract with the state department pursuant to the statewide managed care system only to the extent that:

(a) Health care OR MENTAL HEALTH CARE services delivered through telemedicine are covered by and reimbursed under the medicaid per diem payment program; and

(b) Managed care contracts with managed care organizations are amended to add coverage of health care OR MENTAL HEALTH CARE services delivered through telemedicine and any appropriate per diem rate adjustments are incorporated.

(3) The state department shall establish rates for transmission cost reimbursement for telemedicine services, considering, to the extent applicable, reductions in travel costs by health care OR MENTAL HEALTH CARE providers and patients to deliver or to access ~~health care~~ SUCH services and such other factors as the state department deems relevant.

(4) A health care OR MENTAL HEALTH CARE provider who delivers health care OR MENTAL HEALTH CARE services through telemedicine shall provide to each patient, before treating that patient through telemedicine for the first time, the following written statements:

(a) That the patient retains the option to refuse the delivery of ~~health care~~ THE services via telemedicine at any time without affecting the patient's right to future care or treatment and without risking the loss or withdrawal of any program benefits to which the patient would otherwise be entitled;

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 19, 2008