

CHAPTER 193

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 21-1256

BY REPRESENTATIVE(S) Lontine, Bernett, Bird, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jackson, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Snyder, Titone, Valdez A., Young;
also SENATOR(S) Winter and Simpson, Bridges, Buckner, Cooke, Ginal, Gonzales, Hisey, Jaquez Lewis, Kirkmeyer, Lee, Liston, Lundeen, Pettersen, Priola, Scott, Sonnenberg, Garcia.

AN ACT

CONCERNING THE PROMULGATION OF RULES BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AS IT RELATES TO ENTITIES THAT DELIVER SERVICES PREDOMINATELY THROUGH TELEMEDICINE.

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

SECTION 1. In Colorado Revised Statutes, 25.5-5-320, **amend** (1) introductory portion as follows:

25.5-5-320. Telemedicine - reimbursement - disclosure statement - rules - definition - repeal. (1) On or after July 1, 2006, in-person contact between a health-care or mental health-care provider and a patient is not 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 STATE DEPARTMENT SHALL PROMULGATE RULES SPECIFICALLY RELATING TO ENTITIES THAT DELIVER HEALTH-CARE OR MENTAL HEALTH-CARE SERVICES EXCLUSIVELY OR PREDOMINATELY THROUGH TELEMEDICINE. Any health-care or mental health-care service delivered through telemedicine must meet the same standard of care as an in-person visit. Telemedicine may be provided through interactive audio, interactive video, or interactive data communication, including but not limited to telephone, relay calls, interactive audiovisual modalities, and live chat, as long as the technologies are compliant with the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended. The health-care or mental health-care services are 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:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 27, 2021