

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **tdodge**
 By: **Ames** Secondary Drafters:
 Date: **10/23/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **DOASBOSStatLanguage@wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov

Pre Topic:

DOA:.....Ames, BB0028 -

Topic:

Telehealth definition

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/6/2018	csicilia 11/7/2018			
/P1	tdodge 2/18/2019	csicilia 2/19/2019	mbarman 11/7/2018		
/P2			mbarman 2/19/2019		

FE Sent For: **<END>**

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Tuesday, October 23, 2018 4:24 PM
To: Dodge, Tamara; Walkenhorst Barber, Sarah
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Ames, Kyle - DOA
Sent: Tuesday, October 23, 2018 4:20 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Telehealth Definition

Tracking Code: BB0028

SBO Team: HSI

SBO Analyst: Ames, Kyle
Phone: 608-266-2214
E-mail: kyle.ames@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: Low

Intent:

Please provide changes to the definition of Telehealth under s. 49.45(29w)(b)1.b. to include provider-to-provider consultation, otherwise known as asynchronous telehealth services.

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us



LRB-0551/2
TJD: / dep
gs

In: 11/6

DOA:.....Ames, BB0028 - Telehealth definition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

NOT gen

1 AN ACT ^{do} relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This bill expands the definition of telehealth for the purposes of reimbursement of mental health services provided through telehealth under the Medical Assistance program. Currently, the definition of telehealth only includes real-time communications between individuals and health care providers. The bill includes in the definition real-time communications between providers and asynchronous transmissions of digital images or data between providers, known as store-and-forward technology. The definition of telehealth currently and under the bill does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 49.45 (29w) (b) 1. b. of the statutes is amended to read:

3 49.45 (29w) (b) 1. b. "Telehealth" is means a service provided from a remote

4 location using a combination of interactive video, audio, and externally acquired

X

1097

1 images through a networking environment between an individual or a provider at
 2 an originating site and a provider at a remote location with the service being of
 3 sufficient audio and visual fidelity and clarity as to be functionally equivalent to
 4 face-to-face contact ~~or an asynchronous service that transmits~~ ^{a transmission of} digital clinical
 5 information through a secure electronic communications system from one provider
 6 to another provider. "Telehealth" does not include telephone conversations or
 7 Internet-based communications between providers or between providers and
 8 individuals.

****NOTE: Provider-to-provider telehealth is not limited to asynchronous communication, known as store-and-forward technology, but may also be real-time communications between providers. Changes in this draft accommodate both real-time communications between providers and store-and-forward transmissions between providers. Please confirm whether or not this complies with your intent.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 126, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344; s. 13.92 (4) (bm) 2.

Cross-reference: See also chs. HA 3 and DHS 35, 101, 102, 103, 104, 105, 106, 107, and 108, Wis. adm. code.

9

(END)

Dodge, Tamara

From: Ames, Kyle - DOA
Sent: Monday, February 18, 2019 6:11 PM
To: Dodge, Tamara
Cc: Dombrowski, Cynthia A - DOA
Subject: RE: 1728/P1 and 0551/P1

Tami: We can move forward with 0551. Thanks!

From: Dodge, Tami - LEGIS <tamara.dodge@legis.wisconsin.gov>
Sent: Monday, February 18, 2019 6:09 PM
To: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>
Subject: RE: 1728/P1 and 0551/P1

Kyle,

Which draft number do you want to continue if I am combining them?

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Sent: Monday, February 18, 2019 6:06 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>
Subject: 1728/P1 and 0551/P1

Tami:

Please combine both the stat language draft of 0551/P1 and the non-stat language of 1728/P1.

0551/P1

Please add the following **bolded** language:

“...sufficient audio and visual fidelity and clarity as to be functionally equivalent to face-to-face contact; **or, in circumstances determined by the Department**, or an asynchronous transmission of digital clinical information through a secure electronic communications system from one provider to another provider.”

1728/P1

Please add the following **bolded** language:

(b) The service is an asynchronous transmission of digital clinical information through a secure electronic system from one **member or** provider to **a/another** provider.

Thanks!
Kyle



KYLE AMES | Executive Budget and Policy Analyst
Department of Administration
Division of Executive Budget and Finance
Kyle.Ames@wisconsin.gov
Main: (608) 266-2214 |



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0551/P1

TJD:cjs

stays

In: 2118

DOA:.....Ames, BB0028 - Telehealth definition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

in circumstances determined by DHS;

1 AN ACT *§*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Definition of "telehealth"; reimbursement

This bill expands the definition of "telehealth" for the purposes of reimbursement of mental health services provided through telehealth under the Medical Assistance program. Currently, the definition of "telehealth" includes only real-time communications between individuals and health care providers. The bill includes in the definition real-time communications between providers and asynchronous transmissions of digital images or data between providers, known as store-and-forward technology. The definition of "telehealth" currently and under the bill does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (29w) (b) 1. b. of the statutes is amended to read:

Insert
1128-A

2

in circumstances determined by the department;

1 49.45 (29w) (b) 1. b. "Telehealth" is means a service provided from a remote
 2 location using a combination of interactive video, audio, and externally acquired
 3 images through a networking environment between an individual or a provider at
 4 an originating site and a provider at a remote location with the service being of
 5 sufficient audio and visual fidelity and clarity as to be functionally equivalent to
 6 face-to-face contact; or an asynchronous transmission of digital clinical information
 7 through a secure electronic communications system from one provider to another
 8 provider. "Telehealth" does not include telephone conversations or Internet-based
 9 communications between providers or between providers and individuals.

****NOTE: Provider-to-provider telehealth is not limited to asynchronous communication, known as store-and-forward technology, but may also be real-time communications between providers. Changes in this draft accommodate both real-time communications between providers and store-and-forward transmissions between providers. Please confirm whether or not this complies with your intent.

10

(END)

Insert 2-10



RESEARCH APPENDIX

Drafting History Reproduction Request Form

Drafting Attorneys: Please complete form below and give to Mike Barman (lead PA).		
Requested by	TJD	
Date	2/18/19	
*Note: Except for companion bills, both drafts should have same requester.		
<input type="checkbox"/>	Please transfer the drafting file for:	
2017 LRB		For Rep./Sen. DOA
To the drafting file for:		
2019 LRB		For Rep./Sen. Done MMB
OR		
<input checked="" type="checkbox"/>	Please copy the drafting file for:	
2019 LRB	17281	For Rep./Sen. DOA
And place it in the drafting file for:		
2019 LRB	0551	For Rep./Sen. DOA
Companion bills?	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO
*If yes, the transfer or copy of the file was authorized by whom in the original requester's office?		



State of Wisconsin
2019 - 2020 LEGISLATURE

Insert 1728-A

LRB-1728/P1
TJD:cdc

DOA:.....Ames, BB0245 - Telehealth asynchronous healthcare

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

1. Reimbursement of provider-to-provider telehealth

Insert
1728-A

This bill requires DHS to establish, by rule, a method of reimbursement for providers of Medical Assistance services that are covered under the Medical Assistance program and are provided via a type of telehealth described in the bill. One of the telehealth types for which the bill requires reimbursement is when a service is a consultation between a provider at an originating site and a provider at a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment. The other telehealth method ~~is known colloquially as store-and-forward, is a service provided by an asynchronous transmission of digital clinical information through a secure electronic system from one provider to another provider.~~ Current law requires DHS to provide reimbursement for certain mental health services provided via the type of telehealth that is a real-time communication between a Medical Assistance recipient who is with a health care provider and another health care provider.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

either between providers or between a provider and a Medical Assistance recipient

End Ins 1728-A

Insert 2-10

1 **SECTION 9119. Nonstatutory provisions; Health Services.**

2 (1) MEDICAL ASSISTANCE REIMBURSEMENT FOR SERVICES PROVIDED THROUGH
3 TELEHEALTH. The department of health services shall develop, by rule, a method of
4 reimbursing providers under the Medical Assistance program for a service that is
5 covered by the Medical Assistance program under subch. IV of ch. 49 and that
6 satisfies any of the following:

7 (a) The service is a consultation between a provider at an originating site and
8 a provider at a remote location using a combination of interactive video, audio, and
9 externally acquired images through a networking environment.

10 (b) The service is an asynchronous transmission of digital clinical information
11 through a secure electronic system from one provider to another provider.

12 (END) Insert 2-10

Medical Assistance recipient or



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0551/P2

TJD:cjs

DOA:.....Ames, BB0028 - Telehealth definition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Definition of “telehealth”; reimbursement

This bill expands the definition of “telehealth” for the purposes of reimbursement of mental health services provided through telehealth under the Medical Assistance program. Currently, the definition of “telehealth” includes only real-time communications between individuals and health care providers. The bill includes in the definition real-time communications between providers and, in circumstances determined by DHS, asynchronous transmissions of digital images or data between providers, known as store-and-forward technology. The definition of “telehealth” currently and under the bill does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

This bill requires DHS to establish, by rule, a method of reimbursement for providers of Medical Assistance services that are covered under the Medical Assistance program and are provided via a type of telehealth described in the bill. One of the telehealth types for which the bill requires reimbursement is when a service is a consultation between a provider at an originating site and a provider at a remote location using a combination of interactive video, audio, and externally

acquired images through a networking environment. The other telehealth method is store-and-forward either between providers or between a provider and a Medical Assistance recipient.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (29w) (b) 1. b. of the statutes is amended to read:

2 49.45 **(29w)** (b) 1. b. “Telehealth” is means a service provided from a remote
3 location using a combination of interactive video, audio, and externally acquired
4 images through a networking environment between an individual or a provider at
5 an originating site and a provider at a remote location with the service being of
6 sufficient audio and visual fidelity and clarity as to be functionally equivalent to
7 face-to-face contact; or, in circumstances determined by the department, an
8 asynchronous transmission of digital clinical information through a secure
9 electronic communications system from one provider to another provider.
10 “Telehealth” does not include telephone conversations or Internet-based
11 communications between providers or between providers and individuals.

12 **SECTION 9119. Nonstatutory provisions; Health Services.**

13 (1) **MEDICAL ASSISTANCE REIMBURSEMENT FOR SERVICES PROVIDED THROUGH**
14 **TELEHEALTH.** The department of health services shall develop, by rule, a method of
15 reimbursing providers under the Medical Assistance program for a service that is
16 covered by the Medical Assistance program under subch. IV of ch. 49 and that
17 satisfies any of the following:

18 (a) The service is a consultation between a provider at an originating site and
19 a provider at a remote location using a combination of interactive video, audio, and
20 externally acquired images through a networking environment.

