

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1963

By: Newton

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5  
6 AS INTRODUCED

7 An Act relating to telemedicine; providing  
8 definitions; providing health care coverage for  
9 certain telemedicine visits when the health care  
10 provider is outside of Oklahoma; providing  
11 requirements; authorizing the practice of medicine by  
12 physicians outside of Oklahoma by telemedicine in  
13 certain situations; providing for codification; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 6805 of Title 36, unless there  
18 is created a duplication in numbering, reads as follows:

19 As used in this act:

20 1. "Entity" means any institution, place, building or agency,  
21 public or private, whether organized for profit or not, primarily  
22 engaged in the maintenance and operation of facilities for the  
23 diagnosis, treatment or care of patients to obtain medical care,  
24 surgical care, obstetrical care, or nursing care for illness,  
disease, injury, infirmity, or deformity;

1       2. "Gross patient revenue" means the total charges at a  
2 hospital's full established rates for the provision of patient care  
3 services and includes charges related to hospital-based physician  
4 professional services;

5       3. a. "Health benefits plan" means any plan or arrangement  
6 that:

7           (1) provides benefits for medical or surgical  
8           expenses incurred as a result of a health  
9           condition, accident or illness, and

10          (2) is offered by any insurance company, group  
11          hospital service corporation or health  
12          maintenance organization that delivers or issues  
13          for delivery an individual, group, blanket or  
14          franchise insurance policy or insurance  
15          agreement, a group hospital service contract or  
16          an evidence of coverage, or, to the extent  
17          permitted by the Employee Retirement Income  
18          Security Act of 1974, 29 U.S.C., Section 1001 et  
19          seq., by a multiple employer welfare arrangement  
20          as defined in Section 3 of the Employee  
21          Retirement Income Security Act of 1974, or any  
22          other analogous benefit arrangement, whether the  
23          payment is fixed or by indemnity,

24          b. Health benefits plan shall not include:

- 1 (1) a plan that provides coverage:
- 2 (a) only for a specified disease or diseases or
- 3 under an individual limited benefit policy,
- 4 (b) only for accidental death or dismemberment,
- 5 (c) only for dental or vision care,
- 6 (d) for a hospital confinement indemnity policy,
- 7 (e) for disability income insurance or a
- 8 combination of accident-only and disability
- 9 income insurance, or
- 10 (f) as a supplement to liability insurance,
- 11 (2) a Medicare supplemental policy as defined by
- 12 Section 1882(g)(1) of the Social Security Act (42
- 13 U.S.C., Section 1395ss),
- 14 (3) workers' compensation insurance coverage,
- 15 (4) medical payment insurance issued as part of a
- 16 motor vehicle insurance policy,
- 17 (5) a long-term care policy including a nursing home
- 18 fixed indemnity policy, unless a determination is
- 19 made that the policy provides benefit coverage so
- 20 comprehensive that the policy meets the
- 21 definition of a health benefits plan, or
- 22 (6) short-term health insurance issued on a
- 23 nonrenewable basis with a duration of six (6)
- 24 months or less;

1 4. "Insured" means a person whose health is covered by an  
2 insurance policy;

3 5. "Recommended physician" is the physician to whom a referral  
4 is made;

5 6. "Refer" means an action by a referring physician, who is  
6 licensed to practice medicine or osteopathy pursuant to the laws of  
7 this state, to a recommended physician and the recommended physician  
8 delivers medical or osteopathic care to an insured on the referring  
9 order of a referring physician;

10 7. "Referring physician" is a physician who makes a referral;  
11 and

12 8. "Telemedicine" means technology-enabled health and care  
13 management and delivery systems that extend capacity and access,  
14 which includes:

15 a. synchronous mechanisms, which may include live  
16 audiovisual interaction between a patient and a health  
17 care professional or real-time provider to provider  
18 consultation through live interactive audiovisual  
19 means,

20 b. asynchronous mechanisms, which include store and  
21 forward transfers, online exchange of health  
22 information between a patient and a health care  
23 professional and online exchange of health information  
24 between health care professionals, but shall not

1 include the use of automated text messages or  
2 automated mobile applications that serve as the sole  
3 interaction between a patient and a health care  
4 professional,

5 c. remote patient monitoring, and

6 d. other electronic means that support clinical health  
7 care, professional consultation, patient and  
8 professional health-related education, public health  
9 and health administration.

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 6806 of Title 36, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. For the purpose of assuring telemedicine coverage with an  
14 entity, physician, physician's assistant, advanced practice  
15 registered nurse, registered nurse, or licensed practical nurse  
16 outside of Oklahoma for treatment of Oklahoma patients at any  
17 location with the State of Oklahoma, any health benefit plan that is  
18 offered, issued, or renewed in this state by an insurer shall  
19 provide coverage of health care services provided through  
20 telemedicine provided that:

21 1. The entity's gross patient revenue is equal to or greater  
22 than One Billion Dollars (\$1,000,000,000.00); and  
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1           2. An Oklahoma licensed physician referred the Oklahoma patient  
2 to an entity or physician, physician's assistant, or advanced  
3 practice registered nurse outside of Oklahoma state lines.

4           B. If a recommended physician located outside of Oklahoma is  
5 referred by an Oklahoma licensed physician to treat an Oklahoma  
6 patient, the recommended physician shall be authorized to practice  
7 medicine whether or not the recommended physician is licensed by the  
8 Oklahoma State Medical Board.

9           SECTION 3. This act shall become effective November 1, 2023.

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