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1 A bill to be entitled  
2 An act relating to telehealth; creating s. 408.61,  
3 F.S.; creating the Telehealth Task Force within the  
4 Agency for Health Care Administration; requiring the  
5 agency to use existing and available resources to  
6 administer and support the task force; providing for  
7 the membership of the task force; requiring the task  
8 force to compile and analyze certain data and to  
9 conduct a comparative analysis of health insurance  
10 coverage available for telehealth services and for in-  
11 person treatment; providing meeting requirements;  
12 requiring the task force to submit a report to the  
13 Governor and Legislature by a certain date; providing  
14 for the repeal of the section; creating s. 456.51,  
15 F.S.; authorizing certain licensed or certified health  
16 care professionals to provide telehealth services;  
17 defining the term "telehealth"; amending s. 636.202,  
18 F.S.; excluding telehealth products from the  
19 definition of "discount medical plan"; providing an  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 408.61, Florida Statutes, is created to  
25 read:

26 408.61 Telehealth Task Force.—

27 (1) The Telehealth Task Force is created within the agency.

28 The agency shall use existing and available resources to  
29 administer and support the activities of the task force under

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30 this section.

31 (2) Members of the task force shall serve without  
32 compensation and are not entitled to reimbursement for per diem  
33 or travel expenses. The task force shall consist of the  
34 following 21 members:

35 (a) The Secretary of Health Care Administration or his or  
36 her designee, who shall serve as the chair of the task force.

37 (b) The State Surgeon General or his or her designee.

38 (c) Three representatives of hospitals or facilities  
39 licensed under chapter 395; three representatives of health  
40 insurers that offer coverage of telehealth services; two  
41 representatives of organizations that represent health care  
42 facilities; two representatives of long-term care services, one  
43 from a nursing home and one from a home health agency or  
44 community-based health services setting; and two representatives  
45 of entities that create or sell telehealth products, all  
46 appointed by the Secretary of Health Care Administration.

47 (d) Five health care practitioners, each of whom practices  
48 in a different area of medicine, and two representatives of  
49 organizations that represent health care practitioners, all  
50 appointed by the State Surgeon General.

51 (3) The task force shall compile and analyze data and  
52 information on the following:

53 (a) The frequency and extent of the use of telehealth  
54 technology and equipment by health care practitioners and health  
55 care facilities nationally and in this state.

56 (b) The costs and cost savings associated with using  
57 telehealth technology and equipment.

58 (c) The types of telehealth services available.

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59 (d) The extent of available health insurance coverage for  
60 telehealth services. The task force shall conduct a comparative  
61 analysis of such coverage to available coverage for in-person  
62 services. The analysis must include:

63 1. Covered medical or other health care services.

64 2. A description of payment rates for telehealth services  
65 and whether they are below, equal to, or above payment rates for  
66 in-person services.

67 3. Annual and lifetime dollar maximums on coverage for  
68 telehealth and in-person services.

69 4. Copayment, coinsurance, and deductible amounts; policy  
70 year, calendar year, lifetime, or other durational benefit  
71 limitations; and maximum benefits for telehealth and in-person  
72 services.

73 5. Any unique conditions imposed as a prerequisite to  
74 obtaining coverage for telehealth services.

75 (e) Barriers to implementing, using, or accessing  
76 telehealth services.

77 (f) Consideration of opportunities for interstate  
78 cooperation in telehealth.

79 (4) The task force shall convene its first meeting by  
80 September 1, 2016, and shall meet as often as necessary to  
81 fulfill its responsibilities under this section. Meetings may be  
82 conducted in person, by teleconference, or by other electronic  
83 means.

84 (5) The task force shall submit a report by June 30, 2017,  
85 to the Governor, the President of the Senate, and the Speaker of  
86 the House of Representatives which includes its findings,  
87 conclusions, and recommendations.

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88 (6) This section is repealed effective December 1, 2017.

89 Section 2. Section 456.51, Florida Statutes, is created to  
90 read:

91 456.51 Telehealth.—

92 (1) A health care practitioner, a behavior analyst  
93 certified under s. 393.17, a person certified under part III of  
94 chapter 401, or a person certified under part IV or V of chapter  
95 468 who is practicing within the scope of his or her license or  
96 certification may provide telehealth services. A practitioner or  
97 person who is not a physician, but who provides telehealth  
98 services within the scope of his or her license or  
99 certification, may not be considered to be practicing medicine  
100 without a license.

101 (2) As used in this section, the term "telehealth" means  
102 the use of synchronous or asynchronous telecommunications  
103 technology by a health care practitioner, a behavior analyst  
104 certified under s. 393.17, a person certified under part III of  
105 chapter 401, or a person certified under part IV or V of chapter  
106 468 to provide medical or other health care services, including,  
107 but not limited to, patient assessment, diagnosis, consultation,  
108 treatment, or remote monitoring; the transfer of medical or  
109 health data; patient and professional health-related education;  
110 the delivery of public health services; and health care  
111 administration functions.

112 Section 3. Subsection (1) of section 636.202, Florida  
113 Statutes, is amended to read:

114 636.202 Definitions.—As used in this part, the term:

115 (1) "Discount medical plan" means a business arrangement or  
116 contract in which a person, in exchange for fees, dues, charges,

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117 or other consideration, provides access for plan members to  
118 providers of medical services and the right to receive medical  
119 services from those providers at a discount. The term "discount  
120 medical plan" does not include any product regulated under  
121 chapter 627, chapter 641, or part I of this chapter, or any  
122 telehealth product defined under s. 456.51, F.S.

123 Section 4. This act shall take effect July 1, 2016.