



Substitute House Bill No. 5198

Public Act No. 24-110

AN ACT CONCERNING TELEHEALTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 19a-906 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Asynchronous" means any transmission to another site for review at a later time that uses a camera or other technology to capture images or data to be recorded.

(2) "Facility fee" has the same meaning as in section 19a-508c.

(3) "Health record" means the record of individual, health-related information that may include, but need not be limited to, continuity of care documents, discharge summaries and other information or data relating to a patient's demographics, medical history, medication, allergies, immunizations, laboratory test results, radiology or other diagnostic images, vital signs and statistics.

(4) "Medical history" means information, including, but not limited to, a patient's past illnesses, medications, hospitalizations, family history of illness if known, the name and address of the patient's

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primary care provider if known and other matters relating to the health condition of the patient at the time of a telehealth interaction.

(5) "Medication-assisted treatment" means the use of medications approved by the federal Food and Drug Administration, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

(6) "Originating site" means a site at which a patient is located at the time health care services are provided to the patient by means of telehealth.

(7) "Peripheral devices" means the instruments a telehealth provider uses to perform a patient exam, including, but not limited to, stethoscope, otoscope, ophthalmoscope, sphygmomanometer, thermometer, tongue depressor and reflex hammer.

(8) "Remote patient monitoring" means the personal health and medical data collection from a patient in one location via electronic communication technologies that is then transmitted to a telehealth provider located at a distant site for the purpose of health care monitoring to assist the effective management of the patient's treatment, care and related support.

(9) "Store and forward transfer" means the asynchronous transmission of a patient's medical information from an originating site to the telehealth provider at a distant site.

(10) "Synchronous" means real-time interactive technology.

(11) "Telehealth" means the mode of delivering health care or other health services via information and communication technologies to facilitate the diagnosis, consultation and treatment, education, care management and self-management of a patient's physical and mental health, and includes (A) interaction between the patient at the

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originating site and the telehealth provider at a distant site, and (B) synchronous interactions, asynchronous store and forward transfers or remote patient monitoring. [Telehealth] "Telehealth" does not include the use of facsimile, [audio-only telephone,] texting or electronic mail.

(12) "Telehealth provider" means (A) [any physician licensed under chapter 370, physical therapist licensed under chapter 376, chiropractor licensed under chapter 372, naturopath licensed under chapter 373, podiatrist licensed under chapter 375, occupational therapist licensed under chapter 376a, optometrist licensed under chapter 380, registered nurse or advanced practice registered nurse licensed under chapter 378, physician assistant licensed under chapter 370, psychologist licensed under chapter 383, marital and family therapist licensed under chapter 383a, clinical social worker or master social worker licensed under chapter 383b, alcohol and drug counselor licensed under chapter 376b, professional counselor licensed under chapter 383c, dietitian-nutritionist certified under chapter 384b, speech and language pathologist licensed under chapter 399, respiratory care practitioner licensed under chapter 381a, audiologist licensed under chapter 397a, pharmacist licensed under chapter 400j or paramedic licensed pursuant to chapter 384d] any health care provider licensed pursuant to title 20 and any pharmacist licensed by the Department of Consumer Protection pursuant to title 20 who is providing health care or other health services through the use of telehealth within such [person's] provider's scope of practice and in accordance with the standard of care applicable to the profession, and (B) [on and after July 1, 2024] on or before June 30, 2025, an appropriately licensed, certified or registered physician, naturopath, registered nurse, advanced practice registered nurse, physician assistant, psychologist, marital and family therapist, clinical social worker, master social worker, alcohol and drug counselor, professional counselor, dietitian-nutritionist, nurse-midwife, behavior analyst, music therapist or art therapist, in another state or territory of the United States or the District of Columbia, who [(i) provides telehealth services

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under any relevant order issued pursuant to section 19a-906a, (ii)] (i) provides mental or behavioral health care through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession, [and (iii)] (ii) maintains professional liability insurance, or other indemnity against liability for professional malpractice, in an amount that is equal to or greater than that required for similarly licensed, certified or registered Connecticut mental or behavioral health care providers, (iii) registers with the Department of Public Health, in a form and manner prescribed by the Commissioner of Public Health, as a provider of mental or behavioral health care in the state through the use of telehealth prior to providing telehealth to a patient in the state, and (iv) submits an application to the Department of Public Health for a license, certificate or registration as a mental or behavioral health care provider pursuant to title 20 not later than sixty days after registering with the department pursuant to clause (iii) of this subparagraph and completes the application process for such license, certificate or registration not later than sixty days after submitting such application.

(b) (1) A telehealth provider shall only provide telehealth services to a patient when the telehealth provider: (A) Is communicating through real-time, interactive, two-way communication technology or store and forward technologies; (B) has access to, or knowledge of, the patient's medical history, as provided by the patient, and the patient's health record, including the name and address of the patient's primary care provider, if any; (C) conforms to the standard of care applicable to the telehealth provider's profession and expected for in-person care as appropriate to the patient's age and presenting condition, except when the standard of care requires the use of diagnostic testing and performance of a physical examination, such testing or examination may be carried out through the use of peripheral devices appropriate to the patient's condition; and (D) provides the patient with the telehealth's provider license number and contact information.

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(2) At the time of the telehealth provider's first telehealth interaction with a patient, the telehealth provider shall inform the patient concerning the treatment methods and limitations of treatment using a telehealth platform and, after providing the patient with such information, obtain the patient's consent to provide telehealth services. The telehealth provider shall document such notice and consent in the patient's health record. If a patient later revokes such consent, the telehealth provider shall document the revocation in the patient's health record.

(c) Notwithstanding the provisions of this section or title 20, no telehealth provider shall prescribe any schedule I, II or III controlled substance through the use of telehealth, except a schedule II or III controlled substance other than an opioid drug, as defined in section 20-14o, in a manner fully consistent with the Ryan Haight Online Pharmacy Consumer Protection Act, 21 USC 829(e), as amended from time to time, for the treatment of a person with a psychiatric disability or substance use disorder, as defined in section 17a-458, including, but not limited to, medication-assisted treatment. A telehealth provider using telehealth to prescribe a schedule II or III controlled substance pursuant to this subsection shall electronically submit the prescription pursuant to section 21a-249, as amended by this act.

(d) Each telehealth provider shall, at the time of the initial telehealth interaction, ask the patient whether the patient consents to the telehealth provider's disclosure of records concerning the telehealth interaction to the patient's primary care provider. If the patient consents to such disclosure, the telehealth provider shall provide records of all telehealth interactions to the patient's primary care provider, in a timely manner, in accordance with the provisions of sections 20-7b to 20-7e, inclusive.

(e) Any consent required under this section shall be obtained from the patient, or the patient's legal guardian, conservator or other authorized representative, as applicable.

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(f) The provision of telehealth services and health records maintained and disclosed as part of a telehealth interaction shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time.

(g) Nothing in this section shall prohibit: (1) A health care provider from providing on-call coverage pursuant to an agreement with another health care provider or such health care provider's professional entity or employer; (2) a health care provider from consulting with another health care provider concerning a patient's care; (3) orders of health care providers for hospital outpatients or inpatients; or (4) the use of telehealth for a hospital inpatient, including for the purpose of ordering any medication or treatment for such patient in accordance with Ryan Haight Online Pharmacy Consumer Protection Act, 21 USC 829(e), as amended from time to time. For purposes of this subsection, "health care provider" means a person or entity licensed or certified pursuant to chapter 370, 372, 373, 375 [, 376] to 376b, inclusive, 377, 378, 379, 380, 381a, 382, 382a, 383 to [383c] 383d, inclusive, 383f, 383g, 384b, 384d, 397a, 399 or 400j, or licensed or certified pursuant to chapter 368d or 384d.

(h) No telehealth provider or hospital shall charge a facility fee for telehealth services. Such prohibition shall apply to hospital telehealth services whether provided on campus or otherwise. For purposes of this subsection, "hospital" has the same meaning as provided in section 19a-490 and "campus" has the same meaning as provided in section 19a-508c.

(i) (1) No telehealth provider shall provide health care or health services to a patient through telehealth unless the telehealth provider (A) has determined whether the patient has health coverage for such health care or health services, and, if the patient has such health coverage, whether the patient elects to either use such health coverage to pay for such health care or health services, in whole or in part, or pay the telehealth provider directly for such health care or health services

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without using such coverage, and (B) prior to providing such health care or health services to any patient who elects to pay the telehealth provider in part using such coverage or directly without using such coverage, discloses the cost of such health care or health services to the patient.

(2) Notwithstanding any provision of the general statutes, a telehealth provider who agrees to provide health care or health services to a patient through telehealth shall accept as full payment for such health care or health services:

(A) An amount that is equal to the amount that Medicare reimburses for such health care or health services if the telehealth provider determines that the patient does not have health coverage for such health care or health services;

(B) The amount that the patient's health coverage reimburses and any coinsurance, copayment, deductible or other out-of-pocket expense imposed by the patient's health coverage for such health care or health services if the telehealth provider determines that the patient has health coverage for such health care or health services, unless the patient has explicitly elected to pay the provider directly without using such coverage pursuant to subparagraph (A) of subdivision (1) of this subsection, in which case the patient and provider may mutually agree to a different amount; or

(C) An amount mutually agreed to by the patient and telehealth provider.

(3) If a telehealth provider determines that a patient is unable to pay for any health care or health services described in subdivisions (1) and (2) of this subsection, the provider shall offer to the patient financial assistance if such provider is required to offer to the patient such financial assistance under any applicable state or federal law.

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(4) Nothing in this subsection shall be construed to prohibit a patient from paying a telehealth provider directly for health care or health services without seeking coverage from a health carrier for such health care or health services.

(j) Subject to compliance with all applicable federal requirements, state licensing standards, state telehealth laws or any regulation adopted thereunder, a telehealth provider may provide telehealth services pursuant to the provisions of this section from any location to a patient in any location.

(k) Any Connecticut entity, institution or health care provider, that engages or contracts with a telehealth provider who is licensed, certified or registered in another state or territory of the United States or the District of Columbia to provide health care or other health services, but who is not licensed, certified or registered by the Department of Public Health to provide such care or services, shall verify that the telehealth provider has registered with the Department of Public Health pursuant to subparagraph (B)(iii) of subdivision (12) of subsection (a) of this section. The department shall (1) verify the credentials of such telehealth provider in the state in which such provider is licensed, certified or registered, (2) ensure that such telehealth provider is in good standing in such state, and (3) confirm that such telehealth provider maintains professional liability insurance or other indemnity against liability for professional malpractice in an amount that is equal to or greater than that required for similarly licensed, certified or registered health care or other services health provider in the state.

(l) The Commissioner of Public Health shall issue a decision on each application for a license, certificate or registration made by a health care provider pursuant to subparagraph (B)(iv) of subdivision (12) of subsection (a) of this section not later than forty-five days after the completion of the application process for such provider. Notwithstanding any provision of this section, a health care provider

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who is not licensed, certified or registered as a health care provider by the Department of Public Health pursuant to title 20 shall not provide mental or behavioral health care through telehealth in the state if such provider is on the list of excluded individuals or entities posted in the federal online database maintained by the United States Department of Health and Human Services Office of Inspector General. The commissioner may prohibit a health care provider who is not licensed, certified or registered as a health care provider by the Department of Public Health pursuant to title 20 from registering with the department pursuant to subparagraph (B)(iii) of subdivision (12) of subsection (a) of this section or suspend or revoke a provider's registration made pursuant to said subparagraph, if such provider does not meet any of the requirements set forth in this section or act in accordance with the provisions of subdivision (6) of subsection (a) of section 19a-14.

Sec. 2. Subdivision (5) of subsection (c) of section 21a-249 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) The practitioner demonstrates, in a form and manner prescribed by the commissioner, that such practitioner does not have the technological capacity to issue an electronically transmitted prescription. For the purposes of this subsection, "technological capacity" means possession of a computer system, hardware or device that can be used to electronically transmit controlled substance prescriptions consistent with the requirements of the federal Controlled Substances Act, 21 USC 801, as amended from time to time. The provisions of this subdivision shall not apply to a practitioner when such practitioner is prescribing as a telehealth provider, as defined in section 19a-906, as amended by this act, [section 1 of public act 20-2 of the July special session or section 1 of public act 21-9, as applicable,] pursuant to subsection (c) of said section. [19a-906, subsection (c) of section 1 of public act 20-2 of the July special session or subsection (c) of

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section 1 of public act 21-9, as applicable.]

Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

(1) "Health carrier" has the same meaning as provided in section 38a-1080 of the general statutes;

(2) "Insured" has the same meaning as provided in section 38a-1 of the general statutes;

(3) "Telehealth" has the same meaning as provided in section 19a-906 of the general statutes, as amended by this act; and

(4) "Telehealth provider" means any physician licensed under chapter 370 of the general statutes, physical therapist licensed under chapter 376 of the general statutes, chiropractor licensed under chapter 372 of the general statutes, naturopath licensed under chapter 373 of the general statutes, podiatrist licensed under chapter 375 of the general statutes, occupational therapist licensed under chapter 376a of the general statutes, optometrist licensed under chapter 380 of the general statutes, registered nurse or advanced practice registered nurse licensed under chapter 378 of the general statutes, physician assistant licensed under chapter 370 of the general statutes, psychologist licensed under chapter 383 of the general statutes, marital and family therapist licensed under chapter 383a of the general statutes, clinical social worker or master social worker licensed under chapter 383b of the general statutes, alcohol and drug counselor licensed under chapter 376b of the general statutes, professional counselor licensed under chapter 383c of the general statutes, dietitian-nutritionist certified under chapter 384b of the general statutes, speech and language pathologist licensed under chapter 399 of the general statutes, respiratory care practitioner licensed under chapter 381a of the general statutes, audiologist licensed under chapter 397a of the general statutes, pharmacist licensed under chapter 400j of the general statutes or paramedic licensed pursuant to chapter

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384d of the general statutes who is providing health care or other health services through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

(b) Notwithstanding any provision of title 38a of the general statutes, no health carrier shall reduce the amount of a reimbursement paid to a telehealth provider for covered health care or health services that the telehealth provider appropriately provided to an insured through telehealth because the telehealth provider provided such health care or health services to the patient through telehealth and not in person.

Sec. 4. Subsection (a) of section 38a-499a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, (1) "telehealth" has the same meaning as provided in section 19a-906, as amended by this act, and (2) "telehealth provider" means any physician licensed under chapter 370, physical therapist licensed under chapter 376, chiropractor licensed under chapter 372, naturopath licensed under chapter 373, podiatrist licensed under chapter 375, occupational therapist licensed under chapter 376a, optometrist licensed under chapter 380, registered nurse or advanced practice registered nurse licensed under chapter 378, physician assistant licensed under chapter 370, psychologist licensed under chapter 383, marital and family therapist licensed under chapter 383a, clinical social worker or master social worker licensed under chapter 383b, alcohol and drug counselor licensed under chapter 376b, professional counselor licensed under chapter 383c, dietitian-nutritionist certified under chapter 384b, speech and language pathologist licensed under chapter 399, respiratory care practitioner licensed under chapter 381a, audiologist licensed under chapter 397a, pharmacist licensed under chapter 400j or paramedic licensed pursuant to chapter 384d who is providing health care or other health services through the use of

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telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

Sec. 5. Subsection (a) of section 38a-499a of the general statutes, as amended by section 39 of public act 22-81, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) As used in this section, (1) "telehealth" has the same meaning as provided in section 19a-906, as amended by this act, and (2) "telehealth provider" means any physician licensed under chapter 370, physical therapist licensed under chapter 376, chiropractor licensed under chapter 372, naturopath licensed under chapter 373, podiatrist licensed under chapter 375, occupational therapist licensed under chapter 376a, optometrist licensed under chapter 380, registered nurse or advanced practice registered nurse licensed under chapter 378, physician assistant licensed under chapter 370, psychologist licensed under chapter 383, marital and family therapist licensed under chapter 383a, clinical social worker or master social worker licensed under chapter 383b, alcohol and drug counselor licensed under chapter 376b, professional counselor licensed under chapter 383c, dietitian-nutritionist certified under chapter 384b, speech and language pathologist licensed under chapter 399, respiratory care practitioner licensed under chapter 381a, audiologist licensed under chapter 397a, pharmacist licensed under chapter 400j or paramedic licensed pursuant to chapter 384d who is providing health care or other health services through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

Sec. 6. Subsection (a) of section 38a-526a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, (1) "telehealth" has the same meaning as provided in section 19a-906, as amended by this act, and (2) "telehealth

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provider" means any physician licensed under chapter 370, physical therapist licensed under chapter 376, chiropractor licensed under chapter 372, naturopath licensed under chapter 373, podiatrist licensed under chapter 375, occupational therapist licensed under chapter 376a, optometrist licensed under chapter 380, registered nurse or advanced practice registered nurse licensed under chapter 378, physician assistant licensed under chapter 370, psychologist licensed under chapter 383, marital and family therapist licensed under chapter 383a, clinical social worker or master social worker licensed under chapter 383b, alcohol and drug counselor licensed under chapter 376b, professional counselor licensed under chapter 383c, dietitian-nutritionist certified under chapter 384b, speech and language pathologist licensed under chapter 399, respiratory care practitioner licensed under chapter 381a, audiologist licensed under chapter 397a, pharmacist licensed under chapter 400j or paramedic licensed pursuant to chapter 384d who is providing health care or other health services through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

Sec. 7. Subsection (a) of section 38a-526a of the general statutes, as amended by section 40 of public act 22-81, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) As used in this section, (1) "telehealth" has the same meaning as provided in section 19a-906, as amended by this act, and (2) "telehealth provider" means any physician licensed under chapter 370, physical therapist licensed under chapter 376, chiropractor licensed under chapter 372, naturopath licensed under chapter 373, podiatrist licensed under chapter 375, occupational therapist licensed under chapter 376a, optometrist licensed under chapter 380, registered nurse or advanced practice registered nurse licensed under chapter 378, physician assistant licensed under chapter 370, psychologist licensed under chapter 383, marital and family therapist licensed under chapter 383a, clinical social

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worker or master social worker licensed under chapter 383b, alcohol and drug counselor licensed under chapter 376b, professional counselor licensed under chapter 383c, dietitian-nutritionist certified under chapter 384b, speech and language pathologist licensed under chapter 399, respiratory care practitioner licensed under chapter 381a, audiologist licensed under chapter 397a, pharmacist licensed under chapter 400j or paramedic licensed pursuant to chapter 384d who is providing health care or other health services through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

Sec. 8. (*Effective from passage*) The Department of Public Health shall collect the following data regarding each telehealth provider who registers with the department pursuant to subparagraph (B)(iii) of subdivision (12) of subsection (a) of section 19a-906 of the general statutes, as amended by this act, and each out-of-state health care provider who applies to the department for a license pursuant to title 20 of the general statutes on and after the effective date of this section. Not later than January 1, 2025, and, thereafter, not later than July 1, 2025, the Commissioner of Public Health shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health regarding the following:

(1) The number of such telehealth providers who registered with the department on or after the effective date of this section;

(2) The number of such telehealth providers who applied to the department for a license pursuant to subparagraph (B)(iv) of subdivision (12) of subsection (a) of section 19a-906 of the general statutes, as amended by this act, on or after the effective date of this section;

(3) The number of such telehealth providers who receive a license

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from the department on or after the effective date of this section; and

(4) The number of such out-of-state health care providers who apply for a license with the department pursuant to title 20 of the general statutes on or after the effective date of this section.

Sec. 9. Section 1 of public act 21-9, as amended by section 3 of public act 21-133 and section 32 of public act 22-81, section 3 of public act 21-9, as amended by section 35 of public act 22-81, section 4 of public act 21-9, as amended by section 36 of public act 22-81, section 5 of public act 21-9, as amended by section 37 of public act 22-81, and section 6 of public act 21-9, as amended by section 4 of public act 21-133, are repealed. *(Effective from passage)*

Sec. 10. Section 19a-906a of the general statutes is repealed. *(Effective from passage)*