

By: Representative Mims

To: Insurance

HOUSE BILL NO. 201

1 AN ACT TO AMEND SECTION 83-9-351, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF "TELEMEDICINE" IN THE SECTION THAT
3 PROVIDES INSURANCE COVERAGE FOR TELEMEDICINE SERVICES; TO BRING
4 FORWARD SECTION 41-127-1 AND 73-25-34, MISSISSIPPI CODE OF 1972,
5 WHICH RELATE TO PROVIDING HEALTH CARE SERVICES THROUGH
6 TELEMEDICINE, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 83-9-351, Mississippi Code of 1972, is
10 amended as follows:

11 83-9-351. (1) As used in this section:

12 (a) "Employee benefit plan" means any plan, fund or
13 program established or maintained by an employer or by an employee
14 organization, or both, to the extent that such plan, fund or
15 program was established or is maintained for the purpose of
16 providing for its participants or their beneficiaries, through the
17 purchase of insurance or otherwise, medical, surgical, hospital
18 care or other benefits.

19 (b) "Health insurance plan" means any health insurance
20 policy or health benefit plan offered by a health insurer, and



21 includes the State and School Employees Health Insurance Plan and
22 any other public health care assistance program offered or
23 administered by the state or any political subdivision or
24 instrumentality of the state. The term does not include policies
25 or plans providing coverage for specified disease or other limited
26 benefit coverage.

27 (c) "Health insurer" means any health insurance
28 company, nonprofit hospital and medical service corporation,
29 health maintenance organization, preferred provider organization,
30 managed care organization, pharmacy benefit manager, and, to the
31 extent permitted under federal law, any administrator of an
32 insured, self-insured or publicly funded health care benefit plan
33 offered by public and private entities, and other parties that are
34 by statute, contract, or agreement, legally responsible for
35 payment of a claim for a health care item or service.

36 (d) "Telemedicine" means the delivery of health care
37 services such as diagnosis, consultation, or treatment through the
38 use of * * * HIPAA-compliant telecommunications systems, including
39 information, electronic and communication technologies, remote
40 patient monitoring technologies, and store-and-forward transfers.

41 (2) All health insurance and employee benefit plans in this
42 state must provide coverage for telemedicine services to the same
43 extent that the services would be covered if they were provided
44 through in-person consultation.



(3) A health insurance or employee benefit plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(4) A health insurance or employee benefit plan may limit coverage to health care providers in a telemedicine network approved by the plan.

(5) Nothing in this section shall be construed to prohibit a health insurance or employee benefit plan from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's policy.

(6) In a claim for the services provided, the appropriate procedure code for the covered services shall be included with the appropriate modifier indicating interactive communication was used.

(7) The originating site is eligible to receive a facility fee, but facility fees are not payable to the distant site.

SECTION 2. Section 41-127-1, Mississippi Code of 1972, is brought forward as follows:

41-127-1. Subject to the limitations of the license under which the individual is practicing, a health care practitioner licensed in this state may prescribe, dispense, or administer drugs or medical supplies, or otherwise provide treatment recommendations to a patient after having performed an appropriate



examination of the patient either in person or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically. Treatment recommendations made via electronic means, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional provider-patient settings.

SECTION 3. Section 73-25-34, Mississippi Code of 1972, is brought forward as follows:

73-25-34. (1) For the purposes of this section, telemedicine, or the practice of medicine across state lines, shall be defined to include any one or both of the following:

(a) Rendering of a medical opinion concerning diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or his agent; or

(b) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or his agent.

(2) Except as hereinafter provided, no person shall engage in the practice of medicine across state lines (telemedicine) in this state, hold himself out as qualified to do the same, or use any title, word or abbreviation to indicate to or induce others to



95 believe that he is duly licensed to practice medicine across state
96 lines in this state unless he has first obtained a license to do
97 so from the State Board of Medical Licensure and has met all
98 educational and licensure requirements as determined by the State
99 Board of Medical Licensure.

100 (3) The requirement of licensure as set forth in subsection
101 (2) above shall not be required where the evaluation, treatment
102 and/or the medical opinion to be rendered by a physician outside
103 this state (a) is requested by a physician duly licensed to
104 practice medicine in this state, and (b) the physician who has
105 requested such evaluation, treatment and/or medical opinion has
106 already established a doctor/patient relationship with the patient
107 to be evaluated and/or treated.

108 **SECTION 4.** This act shall take effect and be in force from
109 and after July 1, 2021.

