

**SENATE . . . . . No. 534**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ms. Chandler**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act establishing telehealth**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Chandler	First Worcester
John W. Scibak	2nd Hampshire
Susan C. Tucker	Second Essex and Middlesex
Steven J. D'Amico	4th Bristol
Bruce E. Tarr	First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00680 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT ESTABLISHING TELEHEALTH

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The purpose of this act shall be for the Commonwealth to recognize telehealth services as an  
2 effective means of monitoring and managing home health patients whose medical, functional and/or  
3 environmental needs can be appropriately and cost-effectively met through such technology.  
4 Reimbursable home telehealth will be fostered to ensure an increased communication with the patient,  
5 help early detection of chronic illness, prevent re-hospitalization and subsequent costs, enhance self-  
6 management and provide the patient an improved comprehension of his/her condition.

7 SECTION 2 Definitions

8 For the purposes of this act, the following terms shall have the following meanings:

9 “Telehealth/telehealth technology,” includes the delivery of medical services and any diagnostic,  
10 treatment or health management assistance utilizing interactive audio, interactive video and/or interactive  
11 data transmission relative to the health care of a patient in a home care setting. Telehealth technology  
12 services do not include telephone conversations, electronic mail messages or facsimile transmissions.

13 “Certified home health agency,” includes those home health agencies that are approved for participation  
14 in the Medicare and Medicaid programs.

15 “Home care services,” are services provided to a home health patient by a certified home health agency.

16 SECTION 3. Notwithstanding any general or special law to the contrary, the executive office of health  
17 and human services is hereby directed, pursuant to section 7 of chapter 118G of the General Laws, to  
18 establish that health care services delivered by a certified home health agency through telehealth  
19 technology are reimbursable when provided to clients receiving home care services that are otherwise  
20 eligible for reimbursement under the Medicaid program. Recipients of telehealth services will be those  
21 that require home health services of unusually high frequency, urgency or duration and that have chronic  
22 medical conditions, including, but not limited to: congestive heart failure, diabetes, and/or chronic  
23 obstructive pulmonary disease.

24 SECTION 4. Rates of telehealth services shall reflect costs on a monthly basis in order to account for  
25 daily variation in the intensity and complexity of patients’ telehealth service needs; provided that such  
26 rates shall further reflect the cost of the daily operation and provision of such services, which costs shall  
27 include the following functions undertaken by the participating certified home health agency:

- 28 i) Monitoring of patients vital signs;
- 29 ii) Patient education;
- 30 iii) Medication management;
- 31 iv) Equipment maintenance and comprehension;
- 32 v) Review of patient trends and/or other changes in patient condition necessitating professional  
33 intervention; and
- 34 vi) Other such activities as the executive office of health and human services deem necessary and  
35 appropriate to this section.

36 Reimbursement for telehealth services pursuant to this section shall be provided only in connection with  
37 Federal Food and Drug Administration-approved devices, and incorporated as part of the patient's plan of  
38 care.

39 SECTION 5. The home health patient's respective agency shall be responsible for the accuracy,  
40 maintenance and instruction on the usage of telehealth technology.

41 SECTION 6. This act shall become effective 60 days following its enactment.

42