

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0863.01 Shelby Ross x4510

HOUSE BILL 21-1256

HOUSE SPONSORSHIP

Lontine, Bennett, Bird, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jackson, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Snyder, Titone, Valdez A., Young

SENATE SPONSORSHIP

Winter and Simpson,

House Committees

Health & Insurance

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE PROMULGATION OF RULES BY THE DEPARTMENT OF**
102 **HEALTH CARE POLICY AND FINANCING AS IT RELATES TO**
103 **ENTITIES THAT DELIVER SERVICES PREDOMINATELY THROUGH**
104 **TELEMEDICINE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law states that in-person contact between a health-care provider or mental health-care provider and a patient is not required under the state's medicaid program for services delivered through telemedicine

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 10, 2021

HOUSE
3rd Reading Unamended
April 27, 2021

HOUSE
2nd Reading Unamended
April 26, 2021

that are otherwise eligible for reimbursement under medicaid. The bill requires the department of health care policy and financing to promulgate rules specifically relating to entities that deliver health-care or mental health-care services exclusively or predominately through telemedicine.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-320, **amend**
3 (1) introductory portion as follows:

4 **25.5-5-320. Telemedicine - reimbursement - disclosure**
5 **statement - rules - definition - repeal.** (1) On or after July 1, 2006,
6 in-person contact between a health-care or mental health-care provider
7 and a patient is not required under the state's medical assistance program
8 for health-care or mental health-care services delivered through
9 telemedicine that are otherwise eligible for reimbursement under the
10 program. THE STATE DEPARTMENT SHALL PROMULGATE RULES
11 SPECIFICALLY RELATING TO ENTITIES THAT DELIVER HEALTH-CARE OR
12 MENTAL HEALTH-CARE SERVICES EXCLUSIVELY OR PREDOMINATELY
13 THROUGH TELEMEDICINE. Any health-care or mental health-care service
14 delivered through telemedicine must meet the same standard of care as an
15 in-person visit. Telemedicine may be provided through interactive audio,
16 interactive video, or interactive data communication, including but not
17 limited to telephone, relay calls, interactive audiovisual modalities, and
18 live chat, as long as the technologies are compliant with the federal
19 "Health Insurance Portability and Accountability Act of 1996", Pub.L.
20 104-191, as amended. The health-care or mental health-care services are
21 subject to reimbursement policies developed pursuant to the medical
22 assistance program. This section also applies to managed care
23 organizations that contract with the state department pursuant to the

1 statewide managed care system only to the extent that:

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.