§ 167:4-d. Medicaid Coverage of Telehealth Services: Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children

I. In this section, "telehealth services" shall comply with 42 C.F.R. section 410.78, except for 42 C.F.R. section 410.78(b)(4). The use of the term "telemedicine" shall comply with the Centers for Medicare and Medicaid Services requirements governing the aforementioned telehealth services.

II. (a) Coverage under this section shall include the use of telehealth or telemedicine for Medicaid-covered services provided within the scope of practice of a physician or non-physician practitioner as a method of delivery of medical care:

(1) Which is an appropriate application of telehealth services provided by medical specialists only, excluding primary care, as determined by the department based on the Centers for Medicare and Medicaid Services regulations; and

(2) By which an individual shall receive medical services from a physician or non-physician practitioner who is an enrolled Medicaid provider without in-person contact with that provider.

(b) Nothing in this section shall be construed to prohibit the Medicaid program from providing coverage for only those services that are medically necessary and subject to all other terms and conditions of the coverage.

III. This section shall be conditioned upon review and approval of a state plan amendment submitted by the department to the Centers for Medicare and Medicaid Services.