



# Telemedicine comes to Washington state

By Michael H. Weier ■ September 1, 2015

Washington state has a telemedicine statute. Though Washington has yet to enter the *Interstate Medical Licensure Compact*,<sup>1</sup> last month it enacted its own telemedicine statute. The new law requires private health care insurers and certain government medical plans to cover treatment through means other than in-person clinical examination. Broad in scope and deep in coverage implications, the State telemedicine law does not directly affect workers' compensation treatment coverage. Not yet.

Telemedicine has been embraced in other states and by the private health care insurance industry. A recent blog posted by Sedgwick Claims Management Service (in its [Sedgwick Connection](#) blog) echoed the positive aspects of telemedicine, principally that "a high degree of patient engagement improves patient outcomes while simultaneously enhancing patient satisfaction and reducing the overall cost of care to payors," according to guest writer Dr. Sri Mummaneni. "Technology drives this patient engagement."<sup>2</sup>

## What is telemedicine in Washington?

Governor Jay Inslee signed Substitute Senate Bill (SSB) 5175 into law, which became effective July 24, 2015. Under the new law, the Washington State Legislature expressly acknowledges telemedicine as a "reimbursable service by which an individual receives medical services from a health care provider without in-person contact with the provider." The law directs private insurers of medical benefits, the Washington State employee health care system and the State's Medicare Managed Care Plan to authorize and reimburse providers for telemedicine.

The Legislature defines telemedicine as "the delivery of health care services through the use of interactive audio and video technology . . . for the purpose of diagnosis, consultation or treatment." Telemedicine does not include the use of audio-only telephone, facsimile, or email. Thus, it is clear the Legislature requires a video interface between the provider and the patient.

SSB 5175 amends Washington State statutes regarding state employee insurance coverage,<sup>3</sup> hospital licensing requirements,<sup>4</sup> reporting requirements to the state Legislature<sup>5</sup> and the definitions and scope of health care treatment.<sup>6</sup> The new statute does not amend the Industrial Insurance Act<sup>7</sup> or otherwise directly affect workers' compensation health care treatment.

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***The Washington legislature acknowledged that telemedicine is a "reimbursable service by which an individual receives medical services from a health care provider without in-person contact with the provider."***



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## Telemedicine comes to Washington state (continued)

Nonetheless, the extensive governmental agency powers and regulatory authority granted to the Department of Labor and Industries<sup>8</sup> undoubtedly authorizes the Director of the Department to adopt administrative rules and policies that address application of telemedicine to workers' compensation claims.

The health care services allowed in Washington under the telemedicine law are those deemed "medically necessary"<sup>9</sup> under the state's health care statutes and recognized as an "essential health benefit" under ObamaCare.<sup>10</sup> Such terms are similar to the "proper and necessary medical and surgical services"<sup>11</sup> requirement under the state's workers' compensation system. Accordingly, the state's workers' compensation community should anticipate new administrative rules that address whether and to what extent an injured worker may receive "proper and necessary" treatment through telemedicine. ■

*Click here to read the related blog, "[Where are Oregon and Washington in the discussion of telemedicine and the Interstate Medical Licensure Compact?](#)" by Michael H. Weier.*

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<sup>1</sup> See, "[Where are Oregon and Washington in the discussion of telemedicine and the Interstate Medical Licensure Compact?](#)"

<sup>2</sup> Dr. Sri Mummaneni, "[Telehealth: A new era has arrived](#)," Sedgwick Connection, August 16, 2015.

<sup>3</sup> Ch. 41.05 RCW, State Health Care Authority (formerly State Employee's Insurance and Health Care).

<sup>4</sup> Ch. 70.41 RCW, Hospital Licensing and Regulation.

<sup>5</sup> Ch 48.43 RCW, Detailed Legislative Reports (embodied within Legislative Reform).

<sup>6</sup> Ch. 74.09 RCW, Medical Care.

<sup>7</sup> Title 51 RCW.

<sup>8</sup> RCW 51.04.020, Powers and Duties (of the Director).

<sup>9</sup> WAC 182-500-0070.

<sup>10</sup> Patient Protection and Affordable Care Act, Public Law 111 – 148, § 1302(b).

<sup>11</sup> RCW 51.36.010(2)(a).

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