

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 175

Introduced by Assembly Member Galgiani

(Principal coauthor: Senator Florez)

(Coauthors: Assembly Members Tom Berryhill, Block, Fuller, and Monning)

(Coauthor: Senator Maldonado)

January 29, 2009

An act to amend Section 14132.725 of the Welfare and Institutions Code, relating to telemedicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 175, as amended, Galgiani. Medical telemedicine: optometrists.

Existing law, the Medical Practice Act, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications.

Existing law, until January 1, 2013, authorizes “teleophthalmology and teledermatology by store and forward” under the Medi-Cal program, to the extent that federal financial participation is available. Existing law defines “teleophthalmology and teledermatology by store and forward” as an asynchronous transmission of medical information to be reviewed at a later time by a physician at a distant site who is trained in ophthalmology or dermatology, where the physician at the distant site reviews the medical information without the patient being present in real time.

This bill would expand the definition of “teleophthalmology and teledermatology by store and forward” to include an asynchronous transmission of medical information to be reviewed at a later time, for teleophthalmology, by a licensed optometrist.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14132.725 of the Welfare and Institutions
2 Code is amended to read:
3 14132.725. (a) Commencing July 1, 2006, to the extent that
4 federal financial participation is available, face-to-face contact
5 between a health care provider and a patient shall not be required
6 under the Medi-Cal program for teleophthalmology and
7 teledermatology by store and forward. Services appropriately
8 provided through the store and forward process are subject to
9 billing and reimbursement policies developed by the department.
10 (b) For purposes of this section, “teleophthalmology and
11 teledermatology by store and forward” means an asynchronous
12 transmission of medical information to be reviewed at a later time
13 by a physician at a distant site who is trained in ophthalmology or
14 dermatology or, for teleophthalmology, by an optometrist who is
15 licensed pursuant to Chapter 7 (commencing with Section 3000)
16 of Division 2 of the Business and Professions Code, where the
17 physician or optometrist at the distant site reviews the medical
18 information without the patient being present in real time. A patient
19 receiving teleophthalmology or teledermatology by store and
20 forward shall be notified of the right to receive interactive
21 communication with the distant specialist physician or optometrist,
22 and shall receive an interactive communication with the distant
23 specialist physician or optometrist, upon request. If requested,
24 communication with the distant specialist physician or optometrist
25 may occur either at the time of the consultation, or within 30 days
26 of the patient’s notification of the results of the consultation. If the
27 reviewing optometrist identifies a disease or condition requiring
28 consultation or referral pursuant to Section 3041 of the Business
29 and Professions Code, that consultation or referral shall be with
30 an *ophthalmologist or other* appropriate physician and surgeon ~~or~~
31 ~~ophthalmologist~~, as required.

1 (c) Notwithstanding Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
3 the department may implement, interpret, and make specific this
4 section by means of all county letters, provider bulletins, and
5 similar instructions.

6 (d) On or before January 1, 2008, the department shall report
7 to the Legislature the number and type of services provided, and
8 the payments made related to the application of store and forward
9 telemedicine as provided, under this section as a Medi-Cal benefit.

10 (e) The health care provider shall comply with the informed
11 consent provisions of subdivisions (c) to (g), inclusive, of, and
12 subdivisions (i) and (j) of, Section 2290.5 of the Business and
13 Professions Code when a patient receives teleophthalmology or
14 teledermatology by store and forward.

15 (f) This section shall remain in effect only until January 1, 2013,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2013, deletes or extends that date.