

MINUTES

Leverage Telehealth and Telemedicine Task Force



Senator Deb Soholt, Chair

Representative Herman Otten, Vice Chair

**Fifth Meeting, 2019 Interim
Wednesday, November 06, 2019**

**Room 412 – State Capitol
Pierre, South Dakota**

The fifth meeting of the Leverage Telehealth and Telemedicine Task Force was called to order by Senator Deb Soholt (Chair) at 10:03 a.m. CST, on November 6, 2019, in Room 412 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Deb Soholt (Chair) and Jim Stalzer; Representatives Linda Duba and Tamara St. John; and Public Members Brian Erickson, Amy Hartman, Rebecca Kiesow-Knudsen, Susan Kornder, Dr. Melita Rank, Kelly Serr, and Tiffany Wolfgang. Representative Herman Otten (Vice Chair) was excused.

Staff members present were Clare Charlson, Principal Research Analyst, and Kelly Thompson, Senior Legislative Secretary.

The meeting was conducted by video conference with public access provided in Room 412.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all reference documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC) office. This meeting was webcast live. The archived webcast is available at the LRC website at sdlegislature.gov.

Approval of Minutes

Representative Duba moved, seconded by Senator Stalzer, that the October 23, 2019, meeting minutes be approved. Motion prevailed on a unanimous voice vote.

Recap of the October 23, 2019 Meeting

Senator Soholt summarized the issues discussed at the October 23, 2019, meeting which included Lifecycle Health Interactions, funding options for expanding telehealth services in South Dakota, and goals and action items for inclusion in the task force's final recommendations to the Executive Board. Three pieces of proposed legislation were distributed to members: Senate Bill Draft 74, Senate Bill Draft 197, and House Bill Draft 198.

Senator Soholt said a meeting is being planned with all task force chairs to compile a final report for the Executive Board. Proposed legislation will include several drafts as opposed to one all-encompassing bill draft. Legislators who served on the interim task forces will be prime sponsors of the bills.

Public Testimony

Mr. Terry Dosch, Executive Director, South Dakota Council of Community Behavioral Health, thanked the task force for their discussion and hard work during the 2019 Interim. He said technology represents an important solution to increasing access to behavioral health services, but it is still important to have boots-on-the-ground providers who can serve people in their own communities. Conducting today's meeting by video conference is proof of the usefulness of technology. Expanding broadband access to underserved areas of South Dakota is key to expanding telehealth services.

Mr. Dosch said regulatory boards should be relied upon to regulate the practice of mental health services and the Legislature should focus on the underlying policies as opposed to enacting practice standards. Standards should be clear, but flexible, to allow for innovations. He told members he had reviewed the proposed legislation they would be considering and supported the bill drafts.

Discussion and Final Action on Task Force Recommendations and Proposed Legislation

Senator Sohlt distributed a draft document entitled, Conclusions and Recommendations, ([Document 1](#)) to task force members for review. The group discussed each component of the document and provided input on final language and prioritization of action issues.

Included in the final version for submission to the Executive Board were these recommendations:

1. Aggressively move forward in development of reliable broadband access for all South Dakota citizens;
2. Virtual behavioral health delivery must be provided with secure connectivity that is HIPAA compliant, and common hardware/software platforms must be utilized as much as possible, or efficient interface between systems be provided, for ease of use;
3. Prioritize development of a statewide virtual behavioral health crisis response network in all settings, to include a person's home;
4. Ensure access to behavioral health crisis intervention and ongoing behavioral health services in all geographic areas and settings;
5. Recognize that shortages exist among mental health professionals, especially in certain geographic areas;
6. Ensure that providers of telehealth pursue training and/or certification to provide quality virtual behavioral health services;
7. Recognize that virtual behavioral health systems development will require creative funding solutions both for capital investment and ongoing reimbursement;
8. Recognize the need to create standardized metrics to identify and track success; and
9. Create an awareness campaign for the public on the components of virtual behavioral health systems and how to access them.

Mr. Erickson moved, seconded by Representative Duba, that the task force endorse the finalized conclusions and recommendations for submission to the Executive Board. Motion prevailed on a roll call vote with 11 ayes and one excused. Voting aye: Duba, Erickson, Hartman, Kiesow-Knudsen, Kornder, Rank, Serr, Sohlt, Stalzer, St. John, and Wolfgang. Excused: Otten.

Senate Bill Draft 197 ([Document 2](#)) was brought forth for discussion and action. The draft was unchanged from the October meeting.

Senator Stalzer moved, seconded by Representative Duba, that the task force endorse Senate Bill Draft 197 as presented. Motion prevailed on a roll call vote with 11 ayes and one excused. Voting aye: Duba, Erickson, Hartman, Kiesow-Knudsen, Kornder, Rank, Serr, Soholt, Stalzer, St. John, and Wolfgang. Excused: Otten.

Senator Soholt said she will serve as prime sponsor for the bill in the Senate while Representative Otten will serve as prime sponsor in the House of Representatives.

Ms. Clare Charlson, Principal Research Analyst, Legislative Research Council, explained the new language added to House Bill Draft 198 ([Document 3](#)) since the last meeting.

Mr. Erickson asked that an emergency clause be added to the bill in light of the attention being focused on this issue by all three branches of government. Senator Soholt noted that adding an emergency clause means a two-thirds vote is required in each chamber to pass the bill. The other legislators on the task force also raised concerns over the possibility of losing the bill entirely because of the more difficult vote requirement. It was determined to add the language to the bill draft with the understanding that the emergency clause could be removed in committee if it proved to be problematic to the passage of the bill.

Representative Duba moved, seconded by Senator Stalzer, that the task force endorse House Bill Draft 198 as presented with the addition of an emergency clause. Motion prevailed on a roll call vote with 11 ayes and one excused. Voting aye: Duba, Erickson, Hartman, Kiesow-Knudsen, Kornder, Rank, Serr, Soholt, Stalzer, St. John, and Wolfgang. Excused: Otten.

Representative Otten and Senator Soholt will serve as prime sponsors in their respective chambers.

Ms. Charlson presented House Bill Draft 203 ([Document 4](#)) for discussion. Senator Soholt reminded members that a budget was developed in relationship to expanding 211 services last year. Ms. Wolfgang, who works for the Department of Social Services, noted that since it would be inappropriate for her to vote on the measure, she would abstain during the roll call.

Representative St. John moved, seconded by Senator Stalzer, that the task force endorse House Bill Draft 203 as presented. Motion prevailed on a roll call vote with 10 ayes, one abstained, and one excused. Voting aye: Duba, Erickson, Hartman, Kiesow-Knudsen, Kornder, Rank, Serr, Soholt, Stalzer, and St. John. Abstained: Wolfgang. Excused: Otten.

Senator Soholt said House Bill Draft 203 would be changed to a Senate bill due to Senator Stalzer's involvement with last year's legislation. He will be the prime sponsor in the Senate while Representative Duba will serve as prime sponsor in the House of Representatives.

Final Comments and Wrap-Up

Senator Soholt thanked members and LRC staff for working diligently to come up with recommendations that will make important changes in the way behavioral health services are accessed and utilized. She asked members for their continued support as the proposed legislation moves through the legislative process.

The work of the task force was officially concluded. A joint report from all task force chairs will be submitted to the Executive Board reflecting what was approved at today's meeting.

Adjournment

Representative Duba moved, seconded by Senator Stalzer, that the meeting be adjourned. Motion prevailed on a unanimous voice vote.

Chair Soholt adjourned the meeting at 12:12 p.m.