

# Arizona Governor Signs New Telehealth Insurance Law

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On April 18, 2019, Arizona Governor Doug Ducey signed a new law expanding insurance coverage for telehealth services, including asynchronous telemedicine and remote patient monitoring. The Arizona Legislature passed, nearly unanimously (79-1), [SB 1089](#), ensuring that commercial health plans will cover medical services delivered in-person or via telemedicine. The law becomes effective January 1, 2021 and will benefit patients by increasing access and availability to healthcare services, and catalyze the growth of telehealth technologies throughout Arizona.

Note: attorneys in Foley's Telemedicine & Digital Health Industry Team assisted in drafting the Arizona law.

## A Revision to Arizona's Prior Telehealth Law

Arizona's prior telehealth coverage law contained a number of restrictions that confused practitioners and ultimately prevented patients from enjoying meaningful insurance coverage of services delivered via telehealth. Accordingly, Arizona revisited the statute and the new legislation amended the law to align with best practices from other states. A number of other state legislatures are considering similar amendments to their current telehealth coverage laws in order to close these perceived loopholes and give patients and healthcare providers clarity on what medical services are (and are not) covered when delivered via telehealth.

## How the New Law Will Help Patients and Providers

SB 1089 amends Arizona's telehealth commercial insurance coverage laws (Ariz. Stat. §§ 20-841.09, 20-1057.13, 20-1376.05, 20-1406.05) to state that a health plan may not limit or deny coverage of health care services delivered via telemedicine and may apply only the same limits or exclusions on services delivered via telemedicine that are applicable to an in-person consultation for the same service.

Other notable changes in the law are:

- The definition of telemedicine was expanded to include asynchronous services and remote patient monitoring. Telemedicine is defined as "the interactive use of audio, video or other electronic media, including asynchronous store-and-forward technologies and remote patient

monitoring technologies, for the purpose of diagnosis, consultation or treatment.”

Telemedicine does not include “the sole use of an audio-only telephone, a video-only system, a facsimile machine, instant messages or electronic mail.”

- Coverage was previously limited only to a subset of specialties (e.g., cardiology, burn, mental health, dermatology). The law eliminates those restrictions entirely, allowing practitioners of all health care specialties to deliver covered services via telemedicine. Moreover, there are no rural versus urban geographic restrictions nor any originating site restrictions.
- Telemedicine services must comply with practice rules adopted by Arizona healthcare regulatory boards, rather than with accreditation standards of a national association of medical professionals. (The prior law required compliance with accreditation standards in addition to Arizona practice rules).
- A health plan may charge a deductible, copayment or coinsurance for a health care service delivered via telemedicine if it does not exceed the deductible, copayment or coinsurance applicable to a service delivered via in-person consultation or contact.

With the enactment of the new Arizona law, approximately 36 states plus D.C. have laws requiring commercial health insurance plans to cover telehealth services, and approximately ten of those states will have payment parity language.

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