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I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the workers' compensation law, in relation to coverage of health care services by means of telehealth

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 1 of subsection (a) of section 5102 of the insurance law, as amended by chapter 298 of the laws of 2006, is amended to
2 read as follows:

3 (1) All necessary expenses incurred for: (i) medical, hospital
4 (including services rendered in compliance with article forty-one of the
5 public health law, whether or not such services are rendered directly by
6 a hospital), surgical, nursing, dental, ambulance, x-ray, prescription
7 drug and prosthetic services; (ii) psychiatric, physical therapy
8 (provided that treatment is rendered pursuant to a referral) and occupational
9 therapy and rehabilitation; (iii) ANY HEALTH CARE SERVICES DELIVERED
10 BY MEANS OF TELEHEALTH, AS DEFINED IN SUBSECTION (B) OF SECTION
11 THREE THOUSAND TWO HUNDRED SEVENTEEN-H OF THIS CHAPTER; (IV) any non-
12 medical remedial care and treatment rendered in accordance with a religious
13 method of healing recognized by the laws of this state; and [(iv)]
14 (V) any other professional health services; all without limitation as to
15 time, provided that within one year after the date of the accident causing
16 the injury it is ascertainable that further expenses may be incurred
17 as a result of the injury. For the purpose of determining basic economic
18 loss, the expenses incurred under this paragraph shall be in accordance
19 with the limitations of section five thousand one hundred eight of this
20 article.
21

22 S 2. The opening paragraph of subdivision (a) of section 13 of the
23 workers' compensation law, as amended by chapter 536 of the laws of
24 2015, is amended to read as follows:

25 The employer shall promptly provide for an injured employee such
26 medical, dental, surgical, optometric or other attendance or treatment,
27 nurse and hospital service, medicine, optometric services, crutches,
28 eye-glasses, false teeth, artificial eyes, orthotics, prosthetic

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 devices, functional assistive and adaptive devices and apparatus for
2 such period as the nature of the injury or the process of recovery may
3 require. The employer shall be liable for the payment of the expenses of
4 medical, dental, surgical, optometric or other attendance or treatment,
5 nurse and hospital service, ANY HEALTH CARE SERVICES DELIVERED BY MEANS
6 OF TELEHEALTH, AS DEFINED IN SUBSECTION (B) OF SECTION THREE THOUSAND
7 TWO HUNDRED SEVENTEEN-H OF THE INSURANCE LAW, medicine, optometric
8 services, crutches, eye-glasses, false teeth, artificial eyes, orthot-
9 ics, prosthetic devices, functional assistive and adaptive devices and
10 apparatus, as well as artificial members of the body or other devices or
11 appliances necessary in the first instance to replace, support or
12 relieve a portion or part of the body resulting from and necessitated by
13 the injury of an employee, for such period as the nature of the injury
14 or the process of recovery may require, and the employer shall also be
15 liable for replacements or repairs of such artificial members of the
16 body or such other devices, eye-glasses, false teeth, artificial eyes,
17 orthotics, prosthetic devices, functional assistive and adaptive devices
18 or appliances necessitated by ordinary wear or loss or damage to a
19 prosthesis, with or without bodily injury to the employee. Damage to or
20 loss of a prosthetic device shall be deemed an injury except that no
21 disability benefits shall be payable with respect to such injury under
22 section fifteen of this article. Such a replacement or repair of artifi-
23 cial members of the body or such other devices, eye-glasses, false
24 teeth, artificial eyes, orthotics, prosthetic devices, functional assis-
25 tive and adaptive devices or appliances or the providing of medical
26 treatment and care as defined herein shall not constitute the payment of
27 compensation under section twenty-five-a of this article. All surgical
28 services covered by this article, including coverage for surgical first
29 assistant services, shall include care and services furnished in all
30 covered settings provided by a registered nurse first assistant who is
31 certified in operating room nursing provided that: (A) such services are
32 within the scope of practice of a non-physician surgical first assist-
33 ant; and (B) the terms and conditions of the member contract otherwise
34 provide for the coverage of such services. Nothing in this paragraph
35 shall be construed to: prevent the medical management or utilization
36 review of such services; prevent a policy from requiring services
37 through a network of participating providers who shall meet certain
38 requirements for participation, including provider credentialing; or
39 prohibit an insurer from, in its sole discretion, providing a global or
40 capitated payment or electing to directly reimburse a non-physician
41 surgical first assistant for such services. All fees and other charges
42 for such treatment and services shall be limited to such charges as
43 prevail in the same community for similar treatment of injured persons
44 of a like standard of living.

45 S 3. This act shall take effect on the first of January next succeed-
46 ing the date on which it shall have become a law; provided, however,
47 that if chapter 536 of the laws of 2015 shall not have taken effect on
48 or before such effective date, section two of this act shall take effect
49 on the same date and in the same manner as chapter 536 of the laws of
50 2015, takes effect.