S T A T E O F N E W Y O R K

1766--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. MORELLE, KOON, GANTT, DESTITO, LUPARDO -- Multi-Sponsored by -- M. of A. PEOPLES -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish the statewide telemedicine/telehealth task force, and providing for its powers and duties

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

Section 1. Legislative intent. The legislature recognizes that geography, weather and other factors can create barriers to accessing appropriate health and mental health care in New York State. One way to provide access to care is through the appropriate use of technology to allow health care consumers access to qualified health care providers and institutions. In order to better understand the role of technology in providing access to health care and to ensure that services protect patient confidentiality, the legislature establishes a statewide task force on telemedicine/telehealth.

S 2. Statewide telemedicine/telehealth task force. a. There is hereby established within the department of health a statewide telemedicine/telehealth task force, to be comprised of seventeen members who shall be appointed in the following manner: three shall be appointed by the temporary president of the senate and one by the minority leader of the senate; three shall be appointed by the speaker of the assembly and one by the minority leader of the assembly; and nine shall be appointed by the governor. The members of the task force shall include representatives of rural hospitals and health systems; community hospitals and health systems; academic medical centers; other hospitals and health systems; nursing homes; home health agencies; hospices; physicians; nurse practitioners; other health care practitioners; telecommunications or related industries; health care payors; and health care

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

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consumers. All appointments shall be made in such a manner to ensure statewide geographic representation. In addition, the task force shall include the commissioner of education or his or her designee and the commissioner of health or his or her designee.

b. Members of the task force shall not receive any compensation but shall be reimbursed for their actual, necessary expenditures.

c. Members of the task force shall serve at the pleasure of the person who appointed them and may be removed at anytime, without cause. Any vacancy on the task force shall be filled in the same manner as the original appointment.

d. The task force shall make recommendations to the governor and the legislature on the following:

1. assessment of existing telehealth programs and recommendations for expansion;

2. a plan to develop telemedicine and telehealth systems including health education, preventive and primary care, specialty diagnostic and clinical services, taking into account access to care by the medically underserved, residents of remote and rural areas, and other special populations;

3. standards in the application of telemedicine, telehealth and medical informatics including clinical efficacy, cost effectiveness and quality of care;

4. definitions of professional conduct related to telepractice, including patient confidentiality and competence in using technology by licensed professionals;

5. methods for ensuring patient safety and the use of appropriately licensed professionals in telemedicine; and

6. the methodology for determining the payment for telemedicine and telehealth services under medical assistance services and other insurance coverage.

Such recommendations shall also take into account applicable federal and state regulations governing professional practice and delegation by licensed professionals, patient privacy, confidentiality of peer review, a licensed professional's competence to practice using technology, and quality assurance information.

e. The task force shall report to the governor and the legislature on or before December 1, 2010.

S 3. This act shall take effect immediately.