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

2922

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SCHIMMINGER, GOTTFRIED, GUNTHER, MORELLE, JOHN, GANTT, KOON -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to a study of telemedicine and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The public health law is amended by adding a new article 17 to read as follows:

ARTICLE 17
TELEMEDICINE

SECTION 1701. LEGISLATIVE FINDINGS.
1702. DEFINITION.
1703. PROGRAM TO STUDY TELEMEDICINE.
1704. REPORTS.

S 1701. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT THE PROMOTION OF TELEMEDICINE IS AN IMPORTANT STATE GOAL. TELEMEDICINE WILL ALLOW FOR IMPROVEMENTS IN THE QUALITY, DELIVERY, AND EFFICIENCY OF HEALTH CARE IN THE STATE OF NEW YORK.

THE LEGISLATURE FURTHER FINDS THAT THERE IS A NEED TO STUDY THE ISSUE OF TELEMEDICINE TO IDENTIFY CONCERNS REGARDING THE SAFETY AND EFFECTIVENESS OF THE TELEHEALTH SYSTEM, THE EXTENT OF PATIENT PRIVACY PROBLEMS, AND OTHER CONCERNS IN ORDER TO HELP DETERMINE THE STATE'S POLICIES WITH RESPECT THERETO.

S 1702. DEFINITION. WHEN USED IN THIS ARTICLE, "TELEMEDICINE" SHALL MEAN THE USE OF INTERACTIVE AUDIO, VIDEO, OR OTHER ELECTRONIC MEDIA TO DELIVER HEALTH CARE. THE TERM SHALL INCLUDE THE USE OF ELECTRONIC MEDIA FOR DIAGNOSIS, CONSULTATION, TREATMENT, TRANSFER OF MEDICAL DATA, AND MEDICAL EDUCATION. THE TERM SHALL NOT INCLUDE SERVICES PERFORMED USING CONVENTIONAL TELEPHONE OR FACSIMILE MACHINE TECHNOLOGY.

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

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S 1703. PROGRAM TO STUDY TELEMEDICINE. THE COMMISSIONER AND THE COMMISSIONER OF EDUCATION SHALL ESTABLISH A PROGRAM TO STUDY TELEMEDICINE. SUCH PROGRAM SHALL:

1. IDENTIFY TECHNICAL, LEGAL, AND COST ISSUES RELATING TO THE DEVELOPMENT OF EFFECTIVE TELEMEDICINE SERVICES IN THE STATE;

2. STUDY THE APPARENT BARRIERS TO THE DEVELOPMENT OF EFFECTIVE TELEMEDICINE SERVICES IN THE STATE;

3. SURVEY FEDERAL, STATE, AND LOCAL GOVERNMENT ENTITIES AND THE PRIVATE SECTOR TO ADDRESS PROBLEMS, DEVELOP POLICIES, AND OTHERWISE IMPROVE THE DELIVERY OF TELEMEDICINE SERVICES;

4. STUDY EFFORTS OF OTHER STATES AND THE FEDERAL GOVERNMENT TO DEVELOP EFFECTIVE TELEMEDICINE SERVICES;

5. ENGAGE ANY AND ALL INTERESTED PARTIES TO ENCOURAGE THE DEVELOPMENT OF CONTRACTS OR OTHER AGREEMENTS WHEREBY ENTITIES NEEDING TELEMEDICINE SERVICES CAN OBTAIN THEM PURSUANT TO REASONABLE TERMS AND CONDITIONS;

6. SOLICIT INPUT FROM INTERESTED PARTIES;

7. STIMULATE STATEWIDE DISCUSSION ON THE ISSUE OF TELEMEDICINE;

8. ADVISE THE GOVERNOR AND LEGISLATURE REGARDING IMPROVEMENT OF PUBLIC POLICIES RELATING TO TELEMEDICINE;

9. MAKE RECOMMENDATIONS ON INTEGRATION OF NEW AND EMERGING TECHNOLOGIES AND APPLICATIONS FOR DELIVERY OF HEALTH CARE SERVICES THROUGH TELECOMMUNICATIONS INTO THE TELEHEALTH SYSTEM; AND

10. MAKE RECOMMENDATIONS ON METHODS OF ENSURING THAT THE TELEHEALTH SYSTEM UTILIZES FEDERAL FUNDS TO THE MAXIMUM EXTENT POSSIBLE.

S 1704. REPORTS. THE COMMISSIONER AND THE COMMISSIONER OF EDUCATION SHALL PREPARE A PRELIMINARY REPORT OF FINDINGS TO BE FILED WITH THE GOVERNOR AND THE LEGISLATURE WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE, AND A FINAL REPORT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 2. This act shall take effect immediately and shall expire and be deemed repealed 1 year after such effective date.