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

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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:

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 read as follows:

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

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

The employer shall promptly provide for an injured employee such medical, dental, surgical, optometric or other attendance or treatment, nurse and hospital service, medicine, optometric services, crutches, 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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devices, functional assistive and adaptive devices and apparatus for such period as the nature of the injury or the process of recovery may require. The employer shall be liable for the payment of the expenses of medical, dental, surgical, optometric or other attendance or treatment, nurse and hospital service, ANY HEALTH CARE SERVICES DELIVERED BY MEANS OF TELEHEALTH, AS DEFINED IN SUBSECTION (B) OF SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN-H OF THE INSURANCE LAW, medicine, optometric services, crutches, eye-glasses, false teeth, artificial eyes, orthotics, prosthetic devices, functional assistive and adaptive devices and apparatus, as well as artificial members of the body or other devices or appliances necessary in the first instance to replace, support or relieve a portion or part of the body resulting from and necessitated by the injury of an employee, for such period as the nature of the injury or the process of recovery may require, and the employer shall also be liable for replacements or repairs of such artificial members of the body or such other devices, eye-glasses, false teeth, artificial eyes, orthotics, prosthetic devices, functional assistive and adaptive devices or appliances necessitated by ordinary wear or loss or damage to a prosthesis, with or without bodily injury to the employee. Damage to or loss of a prosthetic device shall be deemed an injury except that no disability benefits shall be payable with respect to such injury under section fifteen of this article. Such a replacement or repair of artificial members of the body or such other devices, eye-glasses, false teeth, artificial eyes, orthotics, prosthetic devices, functional assistive and adaptive devices or appliances or the providing of medical treatment and care as defined herein shall not constitute the payment of compensation under section twenty-five-a of this article. All surgical services covered by this article, including coverage for surgical first assistant services, shall include care and services furnished in all covered settings provided by a registered nurse first assistant who is certified in operating room nursing provided that: (A) such services are within the scope of practice of a non-physician surgical first assistant; and (B) the terms and conditions of the member contract otherwise provide for the coverage of such services. Nothing in this paragraph shall be construed to: prevent the medical management or utilization review of such services; prevent a policy from requiring services through a network of participating providers who shall meet certain requirements for participation, including provider credentialing; or prohibit an insurer from, in its sole discretion, providing a global or capitated payment or electing to directly reimburse a non-physician surgical first assistant for such services. All fees and other charges for such treatment and services shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living.

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