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

4959

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to telehealth and telemedicine services

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

Section 1. Paragraphs (r) and (s) of subdivision 1 of section 2 of the public health law, as added by chapter 550 of the laws of 2014, is amended to read as follows:

(r) Telehealth. The term "telehealth" means delivering health care services by means of information and communications technologies consisting of telephones, remote patient monitoring devices or other electronic means which facilitate the assessment, diagnosis, consultation, treatment, education, care management, INCLUDING MENTAL HEALTH CARE AT OUTPATIENT CLINICS OR OASAS OUTPATIENT CLINICS and self management of a patient's health care [while such patient is at the originating site and the health care provider is at a distant site]; consistent with applicable federal law and regulations; unless the term is otherwise defined by law with respect to the provision in which it is used.

(s) Telemedicine. The term "telemedicine" means the delivery of clinical health care services by means of real time two-way electronic audio visual communications, including the application of secure video conferencing or store and forward technology to provide or support healthcare delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management, INCLUDING MENTAL HEALTH CARE AT OUTPATIENT CLINICS OR OASAS OUTPATIENT CLINICS and self management of a patient's health care [while such patient is at the originating site and the health care provider is at a distant site]; consistent with applicable federal law and regulations; unless the term is otherwise defined by law with respect to the provision in which it is used.

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

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S 2. Paragraph 30 of subsection (i) of section 3216 of the insurance law, as added by chapter 550 of the laws of 2014, is amended to read as follows:

(30) Every policy delivered or issued for delivery in this state which provides comprehensive coverage for hospital, medical or surgical care shall make available and, if requested by a policy holder, provide coverage for services which are otherwise covered under the policy that are provided (A) via telemedicine, as defined in section two of the public health law, provided that such services meet the requirements of federal law, rules and regulations for Medicare [(other than any originating site restriction requirements)]; or (B) telehealth services, as defined in section two of the public health law, provided that such services are consistent with subdivision three-c of section thirty-six hundred fourteen of the public health law. The provider of such services shall meet the terms and conditions (to the extent not inconsistent with this paragraph) of his or her contract with the insurer. Such coverage required by this paragraph may be subject to annual deductibles and coinsurance, and other terms and conditions of coverage, including, but not limited to, utilization management and other managed care tools, as are consistent with those established for the same services when not provided via telemedicine or telehealth.

S 3. Paragraph 19 of subsection (k) of section 3221 of the insurance law, as added by chapter 550 of the laws of 2014, is amended to read as follows:

(19) Every group or blanket policy delivered or issued for delivery in this state which provides comprehensive coverage for hospital, medical or surgical care shall make available and, if requested by the group policyholder, provide coverage for services which are otherwise covered under the policy that are provided (A) via telemedicine, as defined in section two of the public health law, provided that such services meet the requirements of federal law, rules and regulations for Medicare [(other than any originating site restriction requirements)]; or (B) telehealth services, as defined in section two of the public health law, provided that such services are consistent with subdivision three-c of section thirty-six hundred fourteen of the public health law. The provider of such services shall meet the terms and conditions (to the extent not inconsistent with this paragraph) of his or her contract with the insurer. Such coverage required by this paragraph may be subject to annual deductibles and coinsurance, and other terms and conditions of coverage, including, but not limited to, utilization management and other managed care tools, as are consistent with those established for the same services when not provided via telemedicine or telehealth.

S 4. Subsection (oo) of section 4303 of the insurance law, as added by chapter 550 of the laws of 2014, is amended to read as follows:

(oo) Every contract issued by a medical expense indemnity corporation, a hospital service corporation or a health service corporation which provides comprehensive coverage for hospital, medical or surgical care shall make available and, if requested by a contract holder, provide coverage for services which are otherwise covered under the policy that are provided (1) via telemedicine, as defined in section two of the public health law, provided that such services meet the requirements of federal law, rules and regulations for Medicare [(other than any originating site restriction requirements)]; or (2) telehealth services, as defined in section two of the public health law, provided that such services are consistent with subdivision three-c of section thirty-six hundred fourteen of the public health law. The provider of such services

shall meet the terms and conditions (to the extent not inconsistent with this subsection) of his or her contract with the insurer. Such coverage required by this subsection may be subject to annual deductibles and coinsurance, and other terms and conditions of coverage, including, but not limited to, utilization management and other managed care tools, as are consistent with those established for the same services when not provided via telemedicine or telehealth.

S 5. Paragraph (d) of subdivision 1 of section 2805-u of the public health law, as added by chapter 390 of the laws of 2012, is amended to read as follows:

(d) "Telemedicine" means the delivery of clinical health care services by means of real time two-way electronic audio-visual communications which facilitate the assessment, diagnosis, consultation, treatment, education, care management, INCLUDING MENTAL HEALTH CARE AT OUTPATIENT CLINICS OR OASAS OUTPATIENT CLINICS and self management of a patient's health care [while such patient is at the originating site and the health care provider is at a distant site].

S 6. This act shall take effect on the sixtieth day after it shall have become a law.