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I N S E N A T E

May 31, 2016

Introduced by Sen. YOUNG -- 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 rates of reimbursement for telehealth services

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

1 Section 1. Section 2999-dd of the public health law, as added by chap-
2 ter 6 of the laws of 2015, is amended to read as follows:
3 S 2999-dd. Telehealth delivery of services. 1. Health care services
4 delivered by means of telehealth shall be entitled to reimbursement
5 under section three hundred sixty-seven-u of the social services law.
6 2. AN INSURER SHALL REIMBURSE A TELEHEALTH PROVIDER FOR COVERED
7 SERVICES DELIVERED VIA TELEHEALTH ON THE SAME BASIS AND AT THE SAME RATE
8 AS ESTABLISHED FOR THE SAME SERVICE WHEN NOT DELIVERED VIA TELEHEALTH.
9 S 2. Subsection (a) of section 3217-h of the insurance law, as added
10 by chapter 6 of the laws of 2015, is amended to read as follows:
11 (a) An insurer shall not exclude from coverage a service that is
12 otherwise covered under a policy that provides comprehensive coverage
13 for hospital, medical or surgical care because the service is delivered
14 via telehealth, as that term is defined in subsection (b) of this
15 section; provided, however, that an insurer may exclude from coverage a
16 service by a health care provider where the provider is not otherwise
17 covered under the policy. An insurer SHALL REIMBURSE THE TELEHEALTH
18 PROVIDER FOR COVERED SERVICES DELIVERED VIA TELEHEALTH ON THE SAME BASIS
19 AND AT THE SAME RATE AS ESTABLISHED FOR THE SAME SERVICE WHEN NOT DELIV-
20 ERED VIA TELEHEALTH; AND may subject the coverage of a service delivered
21 via telehealth to co-payments, coinsurance or deductibles provided that
22 they are at least as favorable to the insured as those established for
23 the same service when not delivered via telehealth. An insurer may
24 subject the coverage of a service delivered via telehealth to reasonable
25 utilization management and quality assurance requirements that are
26 consistent with those established for the same service when not deliv-
27 ered via telehealth.

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

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1 S 3. Subsection (a) of section 4306-g of the insurance law, as added
2 by chapter 6 of the laws of 2015, is amended to read as follows:

3 (a) A corporation shall not exclude from coverage a service that is
4 otherwise covered under a contract that provides comprehensive coverage
5 for hospital, medical or surgical care because the service is delivered
6 via telehealth, as that term is defined in subsection (b) of this
7 section; provided, however, that a corporation may exclude from coverage
8 a service by a health care provider where the provider is not otherwise
9 covered under the contract. A corporation SHALL REIMBURSE THE TELE-
10 HEALTH PROVIDER FOR COVERED SERVICES DELIVERED VIA TELEHEALTH ON THE
11 SAME BASIS AND AT THE SAME RATE AS ESTABLISHED FOR THE SAME SERVICE WHEN
12 NOT DELIVERED VIA TELEHEALTH; AND may subject the coverage of a service
13 delivered via telehealth to co-payments, coinsurance or deductibles
14 provided that they are at least as favorable to the insured as those
15 established for the same service when not delivered via telehealth. A
16 corporation may subject the coverage of a service delivered via tele-
17 health to reasonable utilization management and quality assurance
18 requirements that are consistent with those established for the same
19 service when not delivered via telehealth.

20 S 4. Subdivision 1 of section 4406-g of the public health law, as
21 added by chapter 6 of the laws of 2015, is amended to read as follows:

22 1. A health maintenance organization shall not exclude from coverage a
23 service that is otherwise covered under an enrollee contract of a health
24 maintenance organization because the service is delivered via tele-
25 health, as that term is defined in subdivision two of this section;
26 provided, however, that a health maintenance organization may exclude
27 from coverage a service by a health care provider where the provider is
28 not otherwise covered under the enrollee contract. A health maintenance
29 organization SHALL REIMBURSE THE TELEHEALTH PROVIDER FOR COVERED
30 SERVICES DELIVERED VIA TELEHEALTH ON THE SAME BASIS AND AT THE SAME RATE
31 AS ESTABLISHED FOR THE SAME SERVICE WHEN NOT DELIVERED VIA TELEHEALTH;
32 AND may subject the coverage of a service delivered via telehealth to
33 co-payments, coinsurance or deductibles provided that they are at least
34 as favorable to the enrollee as those established for the same service
35 when not delivered via telehealth. A health maintenance organization may
36 subject the coverage of a service delivered via telehealth to reasonable
37 utilization management and quality assurance requirements that are
38 consistent with those established for the same service when not deliv-
39 ered via telehealth.

40 S 5. This act shall take effect immediately and shall apply to all
41 policies and contracts issued, renewed, modified, altered or amended on
42 or after January 1, 2016.