

# STATE OF NEW YORK

1421--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 12, 2017

Introduced by M. of A. JENNE -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 chapter 6 of the laws of 2015, is amended to read as follows:

2 § 2999-dd. Telehealth delivery of services. 1. Health care services delivered by means of telehealth shall be entitled to reimbursement under section three hundred sixty-seven-u of the social services law.

3 2. An insurer shall reimburse a telehealth provider for covered services delivered via telehealth on the same basis and at the same rate as established for the same service when not delivered via telehealth.

4 § 2. Subsection (a) of section 3217-h of the insurance law, as added by chapter 6 of the laws of 2015, is amended to read as follows:

5 (a) An insurer shall not exclude from coverage a service that is otherwise covered under a policy that provides comprehensive coverage for hospital, medical or surgical care because the service is delivered via telehealth, as that term is defined in subsection (b) of this section; provided, however, that an insurer may exclude from coverage a service by a health care provider where the provider is not otherwise covered under the policy. An insurer shall reimburse the telehealth provider for covered services delivered via telehealth on the same basis and at the same rate as established for the same service when not delivered via telehealth; and may subject the coverage of a service delivered via telehealth to co-payments, coinsurance or deductibles provided that they are at least as favorable to the insured as those established for the same service when not delivered via telehealth. An insurer may subject the coverage of a service delivered via telehealth to reasonable

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

LBD06234-03-7

1 utilization management and quality assurance requirements that are  
2 consistent with those established for the same service when not deliv-  
3 ered via telehealth.

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

6 (a) A corporation shall not exclude from coverage a service that is  
7 otherwise covered under a contract that provides comprehensive coverage  
8 for hospital, medical or surgical care because the service is delivered  
9 via telehealth, as that term is defined in subsection (b) of this  
10 section; provided, however, that a corporation may exclude from coverage  
11 a service by a health care provider where the provider is not otherwise  
12 covered under the contract. A corporation shall reimburse the tele-  
13 health provider for covered services delivered via telehealth on the  
14 same basis and at the same rate as established for the same service when  
15 not delivered via telehealth; and may subject the coverage of a service  
16 delivered via telehealth to co-payments, coinsurance or deductibles  
17 provided that they are at least as favorable to the insured as those  
18 established for the same service when not delivered via telehealth. A  
19 corporation may subject the coverage of a service delivered via tele-  
20 health to reasonable utilization management and quality assurance  
21 requirements that are consistent with those established for the same  
22 service when not delivered via telehealth.

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

25 1. A health maintenance organization shall not exclude from coverage a  
26 service that is otherwise covered under an enrollee contract of a health  
27 maintenance organization because the service is delivered via tele-  
28 health, as that term is defined in subdivision two of this section;  
29 provided, however, that a health maintenance organization may exclude  
30 from coverage a service by a health care provider where the provider is  
31 not otherwise covered under the enrollee contract. A health maintenance  
32 organization shall reimburse the telehealth provider for covered  
33 services delivered via telehealth on the same basis and at the same rate  
34 as established for the same service when not delivered via telehealth;  
35 and may subject the coverage of a service delivered via telehealth to  
36 co-payments, coinsurance or deductibles provided that they are at least  
37 as favorable to the enrollee as those established for the same service  
38 when not delivered via telehealth. A health maintenance organization may  
39 subject the coverage of a service delivered via telehealth to reasonable  
40 utilization management and quality assurance requirements that are  
41 consistent with those established for the same service when not deliv-  
42 ered via telehealth.

43 § 5. This act shall take effect immediately and shall apply to all  
44 policies and contracts issued, renewed, modified, altered or amended on  
45 or after January 1, 2017.