

# STATE OF NEW YORK

1421--B

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 -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- 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 delivered via telehealth; and may subject the coverage of a service delivered via telehealth to co-payments, coinsurance or deductibles provided that

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

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1 they are at least as favorable to the insured as those established for  
2 the same service when not delivered via telehealth. An insurer may  
3 subject the coverage of a service delivered via telehealth to reasonable  
4 utilization management and quality assurance requirements that are  
5 consistent with those established for the same service when not deliv-  
6 ered via telehealth.

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

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

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

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

46 § 5. This act shall take effect immediately and shall apply to all  
47 policies and contracts issued, renewed, modified, altered or amended on  
48 or after January 1, 2018.