

# STATE OF NEW YORK

834

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

Introduced by Sens. YOUNG, 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 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 § 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 § 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 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

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

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1 consistent with those established for the same service when not deliv-  
2 ered via telehealth.

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

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

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

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

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