

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 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

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

LBD06234-01-7

1 consistent with those established for the same service when not delivered via telehealth.

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

4
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 delivered via telehealth.

41
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.