

STATE OF NEW YORK

834--A

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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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

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

LBD06234-04-8

1 the same service when not delivered via telehealth. An insurer may
2 subject the coverage of a service delivered via telehealth to reasonable
3 utilization management and quality assurance requirements that are
4 consistent with those established for the same service when not delivered
5 via telehealth.

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

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

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

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

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