STATE OF NEW YORK

10883

IN ASSEMBLY

July 24, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Frontus) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to expanding access to telehealth services through insurers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3217-h of the insurance law is amended by adding two new subsections (c) and (d) to read as follows:

(c) Insurers shall provide telehealth services without first requiring patients to make contact in-person before providing such telehealth services. Plans shall include reimbursement for health care providers for any diagnosis, consultation or treatment of a patient, client enrollee or subscriber delivered through telehealth services in the same manner and to the same extent as the health care service plan would be responsible for reimbursement for the same service through in-person diagnosis, consultation or treatment.

(d) Reimbursement for telehealth services shall not be required to be unbundled from other capitated or bundled risk-based payments, provided, however, telehealth companies shall not receive exclusive contracts.

§ 2. Section 4306-g of the insurance law is amended by adding two new subsections (c) and (d) to read as follows:

(c) Corporations shall provide telehealth services without first requiring patients to make contact in-person before providing such telehealth services. Contracts shall include reimbursement for health care providers for any diagnosis, consultation or treatment of a patient, client enrollee or subscriber delivered through telehealth services in the same manner and to the same extent as the contract would be responsible for reimbursement for the same service through in-person diagnosis, consultation or treatment.

(d) Reimbursement for telehealth services shall not be required to be unbundled from other capitated or bundled risk-based payments, provided, however, telehealth companies shall not receive exclusive contracts.

§ 3. Section 2805-u of the public health law is amended by adding a new subdivision 5 to read as follows:

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

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5. Telemedicine service providers shall be required to obtain and document a patient or client's consent before initiating telemedicine services, provided, however, such consent does not need to be provided in-person.

§ 4. This act shall take effect immediately and shall apply to insurance contracts beginning or renewed on or after January 1, 2021.