

# STATE OF NEW YORK

9667

## IN ASSEMBLY

February 4, 2020

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to requiring insurance coverage parity for certain services delivered via telehealth

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

1 Section 1. Section 3217-h of the insurance law, as added by chapter 6  
2 of the laws of 2015, is amended to read as follows:

3 § 3217-h. Telehealth delivery of services. (a) An insurer shall not  
4 exclude from coverage a service that is otherwise covered under a policy  
5 that provides comprehensive coverage for hospital, medical or surgical  
6 care because the service is delivered via telehealth, as that term is  
7 defined in subsection (b) of this section; provided, however, that an  
8 insurer may exclude from coverage a service by a health care provider  
9 where the provider is not otherwise covered under the policy. An insurer  
10 may subject the coverage of a service delivered via telehealth to  
11 co-payments, coinsurance or deductibles provided that they are at least  
12 as favorable to the insured as those established for the same service  
13 when not delivered via telehealth. An insurer may subject the coverage  
14 of a service delivered via telehealth to reasonable utilization manage-  
15 ment and quality assurance requirements that are consistent with those  
16 established for the same service when not delivered via telehealth. An  
17 insurer shall reimburse primary care services delivered via telehealth,  
18 where both the insured individual and the health care provider are  
19 located in a clinical setting, on the same basis and at the same rate as  
20 would apply to such services if the services had been delivered in  
21 person.

22 (b) For purposes of this section[7] the following terms shall have the  
23 following meanings:

24 (1) "telehealth" means the use of electronic information and communi-  
25 cation technologies by a health care provider to deliver health care  
26 services to an insured individual while such individual is located at a

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

LBD14311-02-9

1 site that is different from the site where the health care provider is  
2 located; and

3 (2) "clinical setting" means a site which is a facility licensed under  
4 article twenty-eight or forty of the public health law, a facility as  
5 defined in subdivision six of section 1.03 of the mental hygiene law, or  
6 a private physician's office, nurse practitioner's office or midwifery  
7 located within the state of New York.

8 § 2. Section 4306-g of the insurance law, as added by chapter 6 of the  
9 laws of 2015, is amended to read as follows:

10 § 4306-g. Telehealth delivery of services. (a) A corporation shall not  
11 exclude from coverage a service that is otherwise covered under a  
12 contract that provides comprehensive coverage for hospital, medical or  
13 surgical care because the service is delivered via telehealth, as that  
14 term is defined in subsection (b) of this section; provided, however,  
15 that a corporation may exclude from coverage a service by a health care  
16 provider where the provider is not otherwise covered under the contract.  
17 A corporation may subject the coverage of a service delivered via tele-  
18 health to co-payments, coinsurance or deductibles provided that they are  
19 at least as favorable to the insured as those established for the same  
20 service when not delivered via telehealth. A corporation may subject the  
21 coverage of a service delivered via telehealth to reasonable utilization  
22 management and quality assurance requirements that are consistent with  
23 those established for the same service when not delivered via tele-  
24 health. A corporation shall reimburse primary care services delivered  
25 via telehealth, where both the insured individual and the health care  
26 provider are located in a clinical setting, on the same basis and at the  
27 same rate as would apply to such services if the services had been  
28 delivered in person.

29 (b) For purposes of this section[~~7~~] the following terms shall have the  
30 following meanings:

31 (1) "telehealth" means the use of electronic information and communi-  
32 cation technologies by a health care provider to deliver health care  
33 services to an insured individual while such individual is located at a  
34 site that is different from the site where the health care provider is  
35 located; and

36 (2) "clinical setting" means a site which is a facility licensed under  
37 article twenty-eight or forty of the public health law, a facility as  
38 defined in subdivision six of section 1.03 of the mental hygiene law, or  
39 a private physician's office, nurse practitioner's office or midwifery  
40 located within the state of New York.

41 § 3. Section 4406-g of the public health law, as added by chapter 6 of  
42 the laws of 2015, is amended to read as follows:

43 § 4406-g. Telehealth delivery of services. 1. A health maintenance  
44 organization shall not exclude from coverage a service that is otherwise  
45 covered under an enrollee contract of a health maintenance organization  
46 because the service is delivered via telehealth, as that term is defined  
47 in subdivision two of this section; provided, however, that a health  
48 maintenance organization may exclude from coverage a service by a health  
49 care provider where the provider is not otherwise covered under the  
50 enrollee contract. A health maintenance organization may subject the  
51 coverage of a service delivered via telehealth to co-payments, coinsu-  
52 rance or deductibles provided that they are at least as favorable to the  
53 enrollee as those established for the same service when not delivered  
54 via telehealth. A health maintenance organization may subject the cover-  
55 age of a service delivered via telehealth to reasonable utilization  
56 management and quality assurance requirements that are consistent with

1 those established for the same service when not delivered via tele-  
2 health. A health maintenance organization shall reimburse primary care  
3 services delivered via telehealth, where both the insured individual and  
4 the health care provider are located in a clinical setting, on the same  
5 basis and at the same rate as would apply to such services if the  
6 services had been delivered in person.

7 2. For purposes of this section[7] the following terms shall have the  
8 following meanings:

9 (a) "telehealth" means the use of electronic information and communi-  
10 cation technologies by a health care provider to deliver health care  
11 services to an enrollee while such enrollee is located at a site that is  
12 different from the site where the health care provider is located; and

13 (b) "clinical setting" means a site which is a facility licensed under  
14 article twenty-eight or forty of this chapter, a facility as defined in  
15 subdivision six of section 1.03 of the mental hygiene law, or a private  
16 physician's office, nurse practitioner's office or midwifery located  
17 within the state of New York.

18 § 4. This act shall take effect on the thirtieth day after it shall  
19 have become a law and shall apply to all policies and contracts issued,  
20 renewed, modified, altered or amended on or after such date.