STATE OF NEW YORK

1043

2019-2020 Regular Sessions

IN SENATE

January 10, 2019

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:

Section 1. Section 2999-dd of the public health law is amended by adding a new subdivision 3 to read as follows:

3. 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.

§ 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:

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

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

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§ 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:

(a) A corporation shall not exclude from coverage a service that is otherwise covered under a contract 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 a corporation may exclude from coverage a service by a health care provider where the provider is not otherwise covered under the contract. A corporation **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 the same service when not delivered via telehealth. A corporation may subject the coverage of a service delivered via telehealth to reasonable utilization management and quality assurance requirements that are consistent with those established for the same service when not delivered via telehealth.

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

1. A health maintenance organization shall not exclude from coverage a service that is otherwise covered under an enrollee contract of a health maintenance organization because the service is delivered via telehealth, as that term is defined in subdivision two of this section; provided, however, that a health maintenance organization may exclude from coverage a service by a health care provider where the provider is not otherwise covered under the enrollee contract. A health maintenance organization **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 enrollee as those established for the same service when not delivered via telehealth. A health maintenance organization may subject the coverage of a service delivered via telehealth to reasonable utilization management and quality assurance requirements that are consistent with those established for the same service when not delivered via telehealth.

§ 5. This act shall take effect immediately and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after January 1, 2019.