

# STATE OF NEW YORK

8416

## IN SENATE

May 24, 2020

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to including audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement

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

1 Section 1. Subdivision 4 of section 2999-cc of the public health law,  
2 as added by chapter 6 of the laws of 2015, is amended to read as  
3 follows:

4 4. "Telehealth" means the use of electronic information and communi-  
5 cation technologies by telehealth providers to deliver health care  
6 services, which shall include the assessment, diagnosis, consultation,  
7 treatment, education, care management and/or self-management of a  
8 patient. Telehealth shall not include delivery of health care services  
9 by means of [~~audio-only telephone communication,~~] facsimile machines, or  
10 electronic messaging alone, though use of these technologies is not  
11 precluded if used in conjunction with telemedicine, store and forward  
12 technology, or remote patient monitoring. For purposes of this section,  
13 telehealth shall be limited to telemedicine, store and forward technolo-  
14 gy, [~~and~~] remote patient monitoring and audio-only telephone communi-  
15 cation, except that with respect to the medical assistance program  
16 established under section three hundred sixty-six of the social services  
17 law, and the child health insurance plan under title one-A of article  
18 twenty-five of this chapter, telehealth shall include audio-only tele-  
19 phone communication only to the extent defined in regulations as may be  
20 promulgated by the commissioner. This subdivision shall not preclude the  
21 delivery of health care services by means of "home telehealth" as used  
22 in section thirty-six hundred fourteen of this chapter.

23 § 2. Section 2999-ee of the public health law, as added by section 3  
24 of part HH of chapter 56 of the laws of 2020, is amended to read as  
25 follows:

26 § 2999-ee. Increased application of telehealth. In order to increase  
27 the application of telehealth in behavioral health, oral health, mater-

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

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1 nity care, care management, services provided in emergency departments,  
2 and services provided to certain high-need populations to the extent  
3 such services are deemed appropriate for the populations served, and  
4 notwithstanding the definitions set forth in section twenty-nine hundred  
5 ninety-nine-cc of this article, in consultation with the commissioner of  
6 the office of children and family services, the commissioner of the  
7 office of mental health, the commissioner of the office of addiction  
8 services and supports, or the commissioner of the office for people with  
9 developmental disabilities, as applicable, the commissioner may specify  
10 in regulation additional acceptable modalities for the delivery of  
11 health care services via telehealth, including but not limited to audi-  
12 o-only or video-only telephone communications, online portals and survey  
13 applications, and may specify additional categories of originating sites  
14 at which a patient may be located at the time health care services are  
15 delivered to the extent such additional modalities and originating sites  
16 are deemed appropriate for the populations served.

17 § 3. Subdivision 1 of section 2999-dd of the public health law, as  
18 amended by section 2 of part HH of chapter 56 of the laws of 2020, is  
19 amended to read as follows:

20 1. Health care services delivered by means of telehealth shall be  
21 entitled to reimbursement under section three hundred sixty-seven-u of  
22 the social services law; provided however, reimbursement for additional  
23 modalities, provider categories and originating sites specified in  
24 accordance with section twenty-nine hundred ninety-nine-ee of this arti-  
25 cle, and audio-only telephone communication defined in regulations  
26 promulgated pursuant to subdivision four of section twenty-nine hundred  
27 ninety-nine-cc of this article, shall be contingent upon federal finan-  
28 cial participation.

29 § 4. This act shall take effect immediately.