

# STATE OF NEW YORK

10404

## IN ASSEMBLY

May 4, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred 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. Subdivisions 4 and 5 of section 2999-cc of the public  
2 health law, as added by chapter 6 of the laws of 2015, are amended to  
3 read as 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. This subdivision shall not preclude  
15 the delivery of health care services by means of "home telehealth" as  
16 used in section thirty-six hundred fourteen of this chapter.

17 5. "Telemedicine" means the use of synchronous, two-way electronic  
18 audio and/or visual communications to deliver clinical health care  
19 services, which shall include the assessment, diagnosis, and treatment  
20 of a patient, while such patient is at the originating site and a tele-  
21 health provider is at a distant site.

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

25 § 2999-ee. Increased application of telehealth. In order to increase  
26 the application of telehealth in behavioral health, oral health, mater-  
27 nity care, care management, services provided in emergency departments,

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

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

16 § 3. This act shall take effect immediately.