

# 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:

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

3 3. An insurer shall reimburse a telehealth provider for covered  
4 services delivered via telehealth on the same basis and at the same rate  
5 as established for the same service when not delivered via telehealth.

6 § 2. Subsection (a) of section 3217-h of the insurance law, as added  
7 by chapter 6 of the laws of 2015, is amended to read as follows:

8 (a) An insurer shall not exclude from coverage a service that is  
9 otherwise covered under a policy that provides comprehensive coverage  
10 for hospital, medical or surgical care because the service is delivered  
11 via telehealth, as that term is defined in subsection (b) of this  
12 section; provided, however, that an insurer may exclude from coverage a  
13 service by a health care provider where the provider is not otherwise  
14 covered under the policy. An insurer shall reimburse the telehealth  
15 provider for covered services delivered via telehealth on the same basis  
16 and at the same rate as established for the same service when not deliv-  
17 ered via telehealth; and may subject the coverage of a service delivered  
18 via telehealth to co-payments, coinsurance or deductibles provided that  
19 they are at least as favorable to the insured as those established for  
20 the same service when not delivered via telehealth. An insurer may  
21 subject the coverage of a service delivered via telehealth to reasonable  
22 utilization management and quality assurance requirements that are  
23 consistent with those established for the same service when not deliv-  
24 ered via telehealth.

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

LBD03942-01-9

1 § 3. Subsection (a) of section 4306-g of the insurance law, as added  
2 by chapter 6 of the laws of 2015, is amended to read as follows:

3 (a) A corporation shall not exclude from coverage a service that is  
4 otherwise covered under a contract that provides comprehensive coverage  
5 for hospital, medical or surgical care because the service is delivered  
6 via telehealth, as that term is defined in subsection (b) of this  
7 section; provided, however, that a corporation may exclude from coverage  
8 a service by a health care provider where the provider is not otherwise  
9 covered under the contract. A corporation shall reimburse the tele-  
10 health provider for covered services delivered via telehealth on the  
11 same basis and at the same rate as established for the same service when  
12 not delivered via telehealth; and may subject the coverage of a service  
13 delivered via telehealth to co-payments, coinsurance or deductibles  
14 provided that they are at least as favorable to the insured as those  
15 established for the same service when not delivered via telehealth. A  
16 corporation may subject the coverage of a service delivered via tele-  
17 health to reasonable utilization management and quality assurance  
18 requirements that are consistent with those established for the same  
19 service when not delivered via telehealth.

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

22 1. A health maintenance organization shall not exclude from coverage a  
23 service that is otherwise covered under an enrollee contract of a health  
24 maintenance organization because the service is delivered via tele-  
25 health, as that term is defined in subdivision two of this section;  
26 provided, however, that a health maintenance organization may exclude  
27 from coverage a service by a health care provider where the provider is  
28 not otherwise covered under the enrollee contract. A health maintenance  
29 organization shall reimburse the telehealth provider for covered  
30 services delivered via telehealth on the same basis and at the same rate  
31 as established for the same service when not delivered via telehealth;  
32 and may subject the coverage of a service delivered via telehealth to  
33 co-payments, coinsurance or deductibles provided that they are at least  
34 as favorable to the enrollee as those established for the same service  
35 when not delivered via telehealth. A health maintenance organization may  
36 subject the coverage of a service delivered via telehealth to reasonable  
37 utilization management and quality assurance requirements that are  
38 consistent with those established for the same service when not deliv-  
39 ered via telehealth.

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