STATE OF NEW YORK

2674

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. WOERNER, BRONSON, McMAHON, JONES, MAGNARELLI, STIRPE, GUNTHER, BUTTENSCHON -- 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:

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

§ 3217-h. Telehealth delivery of services. (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 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. **An insurer shall reimburse primary care services delivered via telehealth, where both the insured individual and the health care provider are located in a clinical setting, on the same basis and at the same rate as would apply to such services if the services had been delivered in person.**

(b) For purposes of this section[~~,~~] **the following terms shall have the following meanings:**

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

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(1) "telehealth" means the use of electronic information and communication technologies by a health care provider to deliver health care services to an insured individual while such individual is located at a site that is different from the site where the health care provider is located; and

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

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

§ 4306-g. Telehealth delivery of services. (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 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. A corporation shall reimburse primary care services delivered via telehealth, where both the insured individual and the health care provider are located in a clinical setting, on the same basis and at the same rate as would apply to such services if the services had been delivered in person.

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

(1) "telehealth" means the use of electronic information and communication technologies by a health care provider to deliver health care services to an insured individual while such individual is located at a site that is different from the site where the health care provider is located; and

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

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

§ 4406-g. Telehealth delivery of services. 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 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. **A health maintenance organization shall reimburse primary care services delivered via telehealth, where both the insured individual and the health care provider are located in a clinical setting, on the same basis and at the same rate as would apply to such services if the services had been delivered in person.**

2. For purposes of this section[~~,~~] **the following terms shall have the following meanings:**

(a) "telehealth" means the use of electronic information and communication technologies by a health care provider to deliver health care services to an enrollee while such enrollee is located at a site that is different from the site where the health care provider is located**; and**

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

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