

# STATE OF NEW YORK

6741

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring coverage for delivery of asynchronous telemedicine

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

1 Section 1. Legislative findings and declaration. The Legislature here-  
2 by finds that there is a serious health concern in insurance policies  
3 denying coverage for contraceptive care. The Legislature also finds that  
4 throughout the COVID-19 pandemic, telemedicine has been essential for  
5 patients across the state to receive care safely.

6 This Act enacts various provisions requiring that insurance policies  
7 cover services provided through telemedicine, including requirements  
8 that insurers provide coverage for contraceptive care, that will allow  
9 patients across the state to receive care and limit the risk of  
10 infection of COVID-19 throughout the pandemic.

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

13 § 3217-h. Telehealth and asynchronous telemedicine delivery of  
14 services. (a) An insurer shall not exclude from coverage a service that  
15 is otherwise covered under a policy that provides comprehensive coverage  
16 for hospital, medical or surgical care, or prescription drugs because  
17 the service is delivered via telehealth or asynchronous telemedicine, as  
18 ~~[that term is]~~ such terms are defined in subsection (b) and subsection  
19 (c) of this section~~[, provided, however, that an insurer may exclude~~  
20 ~~from coverage a service by a health care provider where the provider is~~  
21 ~~not otherwise covered under the policy]~~. An insurer may subject the  
22 coverage of a service delivered via telehealth to co-payments, coinsu-  
23 rance or deductibles provided that they are at least as favorable to the  
24 insured as those established for the same service when not delivered via  
25 telehealth. An insurer may subject the coverage of a service delivered

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

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1 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.

2 (b) For purposes of this section, "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.

3 (c) For purposes of this section, "asynchronous telemedicine" means the store-and-forward method of secure electronic transmission of medical information, including, but not limited to, digital images, documents, pre-recorded videos and other data provided to or between health care providers for the purpose of delivering health care services to an insured individual that is not transmitted simultaneously with services delivered pursuant to subsection (b) of this section.

4 § 3. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 36 to read as follows:

5 (36) Every policy which provides coverage for prescription drugs shall include coverage for the cost of contraceptive care delivered through asynchronous telemedicine as authorized by section three thousand two hundred seventeen-h of this article.

6 § 4. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

7 (22) Every policy which provides coverage for prescription drugs shall include coverage for the cost of contraceptive care delivered through asynchronous telemedicine in accordance with section three thousand two hundred seventeen-h of this article.

8 § 5. Section 4303 of the insurance law is amended by adding a new subsection (ss) to read as follows:

9 (ss) Every contract issued by a hospital service corporation or a health service corporation which provides coverage for prescription drugs shall include coverage for the cost of contraceptive care delivered through asynchronous telemedicine as that term is defined in section three thousand two hundred seventeen-h of this chapter.

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

11 § 4306-g. Telehealth and asynchronous telemedicine 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, or prescription drugs because the service is delivered via telehealth or asynchronous telemedicine, as ~~[that term is]~~ as such terms are defined in subsection (b) and subsection (c) 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.

12 (b) For purposes of this section, "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

1 such individual is located at a site that is different from the site  
2 where the health care provider is located.

3 (c) For purposes of this section, "asynchronous telemedicine" means  
4 the store-and-forward method of secure electronic transmission of  
5 medical information, including, but not limited to, digital images,  
6 documents, pre-recorded videos and other data provided to or between  
7 health care providers for the purpose of delivering health care services  
8 to an insured individual that is not transmitted simultaneously with  
9 services delivered pursuant to subsection (b) of this section.

10 § 7. This act shall take effect immediately.