STATE OF NEW YORK

6741--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, the public health law and the social services law, in relation to requiring coverage for delivery through store and forward technology

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

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

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

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

(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**, or prescription drugs** because the service is delivered via telehealth **or through store and forward technology**, as [~~that term is~~] **such terms are** 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~~] **and in section twenty-nine hundred ninety-nine-cc of the public health law**. 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

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

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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.

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

(36) Every policy which provides coverage for prescription drugs shall include coverage for the cost of contraceptive care delivered through store and forward technology as authorized by section twenty-nine hundred ninety-nine-cc of the public health law.

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

(22) Every policy which provides coverage for prescription drugs shall include coverage for the cost of contraceptive care delivered through store and forward technology in accordance with section twenty-nine hundred ninety-nine-cc of the public health law.

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

(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 store and forward technology as that term is defined in section twenty-nine hundred ninety-nine-cc of the public health law.

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

(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 through store and forward technology** as [~~that term is~~] **such terms are** 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~~] **and in section twenty-nine hundred ninety-nine-cc of the public health law**. 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.

§ 7. Subdivision 6 of section 2999-cc of the public health law, as added by chapter 6 of the laws of 2015, is amended to read as follows:

6. "Store and forward technology" means the asynchronous, electronic transmission of a patient's health information [~~in the form of patient-specific digital images and/or pre-recorded videos from a provider at~~] **from** an originating site to a telehealth provider at a distant site.

§ 8. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (ii) to read as follows:

(ii) care and services provided by a telehealth provider pursuant to section twenty-nine hundred ninety-nine-cc of the public health law.

§ 9. This act shall take effect immediately.