

# STATE OF NEW YORK

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4940

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

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Introduced by M. of A. WOERNER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to expanding health-care services provided by telehealth; and to amend part V of chapter 57 of the laws of 2022 amending the public health law and the insurance law relating to reimbursement for commercial and Medicaid services provided via telehealth, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 1 of section 2999-dd of the public health law,  
2 as amended by section 2 of part V of chapter 57 of the laws of 2022, is  
3 amended to read as follows:

4 1. Health care services delivered by means of telehealth shall be  
5 entitled to reimbursement under section three hundred sixty-seven-u of  
6 the social services law on the same basis, at the same rate, and to the  
7 same extent the equivalent services, as may be defined in regulations  
8 promulgated by the commissioner, are reimbursed when delivered in  
9 person; provided, however, that health care services delivered by means  
10 of telehealth shall not require reimbursement to a telehealth provider  
11 for certain costs, including but not limited to facility fees or costs  
12 reimbursed through ambulatory patient groups or other clinic reimburse-  
13 ment methodologies set forth in section twenty-eight hundred seven of  
14 this chapter, if such costs were not incurred in the provision of tele-  
15 health services due to neither the originating site nor the distant site  
16 occurring within a facility or other clinic setting; and further  
17 provided, however, reimbursement for additional modalities, provider  
18 categories and originating sites specified in accordance with section  
19 twenty-nine hundred ninety-nine-ee of this article, and audio-only tele-  
20 phone communication defined in regulations promulgated pursuant to  
21 subdivision four of section twenty-nine hundred ninety-nine-cc of this

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

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1 article, shall be contingent upon federal financial participation.  
2 Notwithstanding the provisions of this subdivision, for services  
3 licensed, certified or otherwise authorized pursuant to article sixteen,  
4 article thirty-one or article thirty-two of the mental hygiene law, such  
5 services provided by telehealth[~~, as deemed appropriate by the relevant~~  
6 ~~commissioner,~~] shall be reimbursed at the applicable in person rates or  
7 fees established by law, or otherwise established or certified by the  
8 office for people with developmental disabilities, office of mental  
9 health, or the office of addiction services and supports pursuant to  
10 article forty-three of the mental hygiene law, unless a specific service  
11 is deemed inappropriate by the relevant commissioner.

12 § 2. Section 7 of part V of chapter 57 of the laws of 2022 amending  
13 the public health law and the insurance law relating to reimbursement  
14 for commercial and Medicaid services provided via telehealth is amended  
15 to read as follows:

16 § 7. This act shall take effect immediately and shall be deemed to  
17 have been in full force and effect on and after April 1, 2022[~~+~~  
18 ~~provided, however, this act shall expire and be deemed repealed on and~~  
19 ~~after April 1, 2024~~].

20 § 3. This act shall take effect immediately; provided, however, that  
21 section one of this act shall take effect on the sixtieth day after it  
22 shall have become a law.