# STATE OF NEW YORK

3526

2023-2024 Regular Sessions

# IN SENATE

January 31, 2023

Introduced by Sen. FERNANDEZ -- 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 requiring services provided by telehealth be reimbursed at the same rate as an in-office visit

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

Section 1. Section 2999-dd of the public health law is amended by adding a new subdivision 5 to read as follows:

**5. Notwithstanding any provision of law to the contrary and pursuant to regulations promulgated by the commissioner, telehealth services, as defined by section twenty-nine hundred ninety-nine-cc of this article and all regulations promulgated thereunder, including any additional provider categories and originating sites specified in accordance with section twenty-nine hundred ninety-nine-ee of this article, shall be reimbursed at the same rate as an in-office visit.**

§ 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) **(1)** 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

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

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requirements that are consistent with those established for the same service when not delivered via telehealth.

**(2) An insurer shall reimburse for a service that is otherwise covered under a policy that provides comprehensive coverage for hospital, medical or surgical care and is delivered via telehealth, as that term is defined in subsection (b) of this section, on the same basis and at the same rate as the insurer would apply to those services if the services had been delivered in person.**

§ 3. 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) **(1)** 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.

**(2) A corporation shall reimburse for a service that is otherwise covered under a policy that provides comprehensive coverage for hospital, medical or surgical care and is delivered via telehealth, as that term is defined in subsection (b) of this section, on the same basis and at the same rate as the insurer would apply to those services if the services had been delivered in person.**

§ 4. This act shall take effect immediately; provided, however, section two of this act shall take effect on the same date as the reversion of subsection (a) of section 3217-h of the insurance law as provided in section 7 of part V of chapter 57 of the laws of 2022, as amended; and provided, further, that section three of this act shall take effect on the same date as the reversion of subsection (a) of section 4306-g of the insurance law as provided in section 7 of part V of chapter 57 of the laws of 2022, as amended.