

# STATE OF NEW YORK

6733

2023-2024 Regular Sessions

## IN SENATE

May 8, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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, and  
5 for any services delivered through a facility licensed under article  
6 twenty-eight of this chapter that is eligible to be designated or has  
7 received a designation as a federally qualified health center in accord-  
8 ance with 42 USC § 1396a(aa), as amended, or any successor law thereto,  
9 including those facilities that are also licensed under article thirty-  
10 one or article thirty-two of the mental hygiene law, such services  
11 provided by telehealth[~~, as deemed appropriate by the relevant commis-~~  
12 ~~sioner,~~] shall be reimbursed at the applicable in person rates or fees  
13 established by law, or otherwise established or certified by the office  
14 for people with developmental disabilities, office of mental health, or  
15 the office of addiction services and supports pursuant to article  
16 forty-three of the mental hygiene law.

17 § 2. Section 7 of part V of chapter 57 of the laws of 2022, amending  
18 the public health law and the insurance law relating to reimbursement  
19 for commercial and Medicaid services provided via telehealth, is amended  
20 to read as follows:

21 § 7. This act shall take effect immediately and shall be deemed to  
22 have been in full force and effect on and after April 1, 2022; provided,  
23 however, this act shall expire and be deemed repealed on and after April  
24 1, [~~2024~~] 2026.

25 § 3. This act shall take effect immediately; provided however, that  
26 the provisions of section one of this act shall take effect April 1,  
27 2024; provided further, however, that the amendments to subdivision 1 of  
28 section 2999-dd of the public health law made by section one of this act  
29 shall not affect the expiration of such subdivision and shall expire and  
30 be deemed repealed therewith.