

# STATE OF NEW YORK

4940--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

Introduced by M. of A. WOERNER, McDONALD -- read once and referred to the Committee on Health -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to expanding health-care services provided by telehealth

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  
22 article, shall be contingent upon federal financial participation.

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

LBD02426-03-4

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

11 § 2. This act shall take effect on the sixtieth day after it shall  
12 have become a law.