

STATE OF NEW YORK

609

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Insurance

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 Assem-
bly, do enact as follows:

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

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

11 § 2. Subsection (a) of section 3217-h of the insurance law, as amended
12 by section 3 of part V of chapter 57 of the laws of 2022, is amended to
13 read as follows:

14 (a) (1) An insurer shall not exclude from coverage a service that is
15 otherwise covered under a policy that provides comprehensive coverage
16 for hospital, medical or surgical care, or prescription drugs because
17 the service is delivered via telehealth or through store and forward
18 technology, as [~~that term is~~] such terms are defined in subsection (b)
19 of this section[~~, provided, however, that an insurer may exclude from~~
20 ~~coverage a service by a health care provider where the provider is not~~
21 ~~otherwise covered under the policy~~] and in section twenty-nine hundred
22 ninety-nine-cc of the public health law. An insurer may subject the
23 coverage of a service delivered via telehealth to co-payments, coinsu-

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

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1 rance or deductibles provided that they are at least as favorable to the
2 insured as those established for the same service when not delivered via
3 telehealth. An insurer may subject the coverage of a service delivered
4 via telehealth to reasonable utilization management and quality assur-
5 ance requirements that are consistent with those established for the
6 same service when not delivered via telehealth.

7 (2) An insurer that provides comprehensive coverage for hospital,
8 medical or surgical care shall reimburse covered services delivered by
9 means of telehealth on the same basis, at the same rate, and to the same
10 extent that such services are reimbursed when delivered in person;
11 provided that reimbursement of covered services delivered via telehealth
12 shall not require reimbursement of costs not actually incurred in the
13 provision of the telehealth services, including charges related to the
14 use of a clinic or other facility when neither the originating site nor
15 distant site occur within the clinic or other facility.

16 (3) An insurer that provides comprehensive coverage for hospital,
17 medical, or surgical care with a network of health care providers shall
18 ensure that such network is adequate to meet the telehealth needs of
19 insured individuals for services covered under the policy when medically
20 appropriate.

21 § 2-a. Subsection (a) of section 3217-h of the insurance law, as added
22 by chapter 6 of the laws of 2015, is amended to read as follows:

23 (a) An insurer shall not exclude from coverage a service that is
24 otherwise covered under a policy that provides comprehensive coverage
25 for hospital, medical or surgical care, or prescription drugs because
26 the service is delivered via telehealth or through store and forward
27 technology, as [~~that term is~~] such terms are defined in subsection (b)
28 of this section [~~, provided, however, that an insurer may exclude from~~
29 ~~coverage a service by a health care provider where the provider is not~~
30 ~~otherwise covered under the policy] and in section twenty-nine hundred
31 ninety-nine-cc of the public health law. An insurer may subject the
32 coverage of a service delivered via telehealth to co-payments, coinsur-
33 ance or deductibles provided that they are at least as favorable to the
34 insured as those established for the same service when not delivered via
35 telehealth. An insurer may subject the coverage of a service delivered
36 via telehealth to reasonable utilization management and quality assur-
37 ance requirements that are consistent with those established for the
38 same service when not delivered via telehealth.~~

39 § 3. Subsection (i) of section 3216 of the insurance law is amended by
40 adding a new paragraph 40 to read as follows:

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

45 § 4. Subsection (l) of section 3221 of the insurance law is amended by
46 adding a new paragraph 23 to read as follows:

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

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

53 (ww) Every contract issued by a hospital service corporation or a
54 health service corporation which provides coverage for prescription
55 drugs shall include coverage for the cost of contraceptive care deliv-

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

3 § 6. Subsection (a) of section 4306-g of the insurance law, as amended
4 by section 4 of part V of chapter 57 of the laws of 2022, is amended to
5 read as follows:

6 (a) (1) A corporation shall not exclude from coverage a service that
7 is otherwise covered under a contract that provides comprehensive cover-
8 age for hospital, medical or surgical care, or prescription drugs
9 because the service is delivered via telehealth[~~7~~] or through store and
10 forward technology as [~~that term is~~] such terms are defined in
11 subsection (b) of this section[~~7 provided, however, that a corporation~~
12 ~~may exclude from coverage a service by a health care provider where the~~
13 ~~provider is not otherwise covered under the contract~~] and in section
14 twenty-nine hundred ninety-nine-cc of the public health law. A corpo-
15 ration may subject the coverage of a service delivered via telehealth to
16 co-payments, coinsurance or deductibles provided that they are at least
17 as favorable to the insured as those established for the same service
18 when not delivered via telehealth. A corporation may subject the cover-
19 age of a service delivered via telehealth to reasonable utilization
20 management and quality assurance requirements that are consistent with
21 those established for the same service when not delivered via tele-
22 health.

23 (2) A corporation that provides comprehensive coverage for hospital,
24 medical or surgical care shall reimburse covered services delivered by
25 means of telehealth on the same basis, at the same rate, and to the same
26 extent that such services are reimbursed when delivered in person;
27 provided that reimbursement of covered services delivered via telehealth
28 shall not require reimbursement of costs not actually incurred in the
29 provision of the telehealth services, including charges related to the
30 use of a clinic or other facility when neither the originating site nor
31 the distant site occur within the clinic or other facility. The super-
32 intendent may promulgate regulations to implement the provisions of this
33 section.

34 (3) A corporation that provides comprehensive coverage for hospital,
35 medical, or surgical care with a network of health care providers shall
36 ensure that such network is adequate to meet the telehealth needs of
37 insured individuals for services covered under the policy when medically
38 appropriate.

39 § 6-a. Subsection (a) of section 4306-g of the insurance law, as added
40 by chapter 6 of the laws of 2015, is amended to read as follows:

41 (a) A corporation shall not exclude from coverage a service that is
42 otherwise covered under a contract that provides comprehensive coverage
43 for hospital, medical or surgical care, or prescription drugs because
44 the service is delivered via telehealth[~~7~~] or through store and forward
45 technology as [~~that term is~~] such terms are defined in subsection (b) of
46 this section [~~7 provided, however, that a corporation may exclude from~~
47 ~~coverage a service by a health care provider where the provider is not~~
48 ~~otherwise covered under the contract~~] and in section twenty-nine hundred
49 ninety-nine-cc of the public health law. A corporation may subject the
50 coverage of a service delivered via telehealth to co-payments, coinsu-
51 rance or deductibles provided that they are at least as favorable to the
52 insured as those established for the same service when not delivered via
53 telehealth. A corporation may subject the coverage of a service deliv-
54 ered via telehealth to reasonable utilization management and quality
55 assurance requirements that are consistent with those established for
56 the same service when not delivered via telehealth.

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

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

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

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

11 § 9. This act shall take effect immediately; provided that the amend-
12 ments to subsection (a) of section 3217-h of the insurance law made by
13 section two of this act shall be subject to the expiration and reversion
14 of such subdivision pursuant to section 7 of part V of chapter 57 of the
15 laws of 2022, as amended, when upon such date the provisions of section
16 two-a of this act shall take effect; provided, further, the amendments
17 to subsection (a) of section 4306-g of the insurance law made by section
18 six of this act shall be subject to the expiration and reversion of such
19 subsection pursuant to section 7 of part V of chapter 57 of the laws of
20 2022, as amended, when upon such date the provisions of section six-a of
21 this act shall take effect.