

# 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.