§ 2999-cc. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Distant site" means a site at which a telehealth provider is located while delivering health care services by means of telehealth. Any site within the United States or United States' territories is eligible to be a distant site for delivery and payment purposes.

2. "Telehealth provider" means:

(a) a physician licensed pursuant to article one hundred thirty-one of the education law;

(b) a physician assistant licensed pursuant to article one hundred thirty-one-B of the education law;

(c) a dentist licensed pursuant to article one hundred thirty-three of the education law;

(d) a nurse practitioner licensed pursuant to article one hundred thirty-nine of the education law;

(e) a registered professional nurse licensed pursuant to article one hundred thirty-nine of the education law only when such nurse is receiving patient-specific health information or medical data at a distant site by means of remote patient monitoring;

(f) a podiatrist licensed pursuant to article one hundred forty-one of the education law;

(g) an optometrist licensed pursuant to article one hundred forty-three of the education law;

(h) a psychologist licensed pursuant to article one hundred fifty-three of the education law;

(i) a social worker licensed pursuant to article one hundred fifty-four of the education law;

(j) a speech language pathologist or audiologist licensed pursuant to article one hundred fifty-nine of the education law;

(k) a midwife licensed pursuant to article one hundred forty of the education law;

(l) a physical therapist licensed pursuant to article one hundred thirty-six of the education law;

(m) an occupational therapist licensed pursuant to article one hundred fifty-six of the education law;

(n) a person who is certified as a diabetes educator by the National Certification Board for Diabetes Educators, or a successor national certification board, or provided by such a professional who is affiliated with a program certified by the American Diabetes Association, the American Association of Diabetes Educators, the Indian Health Services, or any other national accreditation organization approved by the federal centers for medicare and medicaid services;

(o) a person who is certified as an asthma educator by the National Asthma Educator Certification Board, or a successor national certification board;

(p) a person who is certified as a genetic counselor by the American Board of Genetic Counseling, or a successor national certification board;

(q) a hospital as defined in article twenty-eight of this chapter, including residential health care facilities serving special needs populations;

(r) a home care services agency as defined in article thirty-six of this chapter;

(s) a hospice as defined in article forty of this chapter;

(t) credentialed alcoholism and substance abuse counselors credentialed by the office of addiction services and supports or by a credentialing entity approved by such office pursuant to section 19.07 of the mental hygiene law;

(u) providers authorized to provide services and service coordination under the early intervention program pursuant to article twenty-five of this chapter;

(v) clinics licensed or certified under article sixteen of the mental hygiene law and certified and non-certified day and residential programs funded or operated by the office for people with developmental disabilities;

(w) a care manager employed by or under contract to a health home program, patient centered medical home, office for people with developmental disabilities Care Coordination Organization (CCO), hospice or a voluntary foster care agency certified by the office of children and family services certified and licensed pursuant to article twenty-nine-i of this chapter;

* (x) certified peer recovery advocate services providers certified by

the commissioner of addiction services and supports pursuant to section 19.18-b of the mental hygiene law, peer providers credentialed by the commissioner of addiction services and supports and peers certified or credentialed by the office of mental health;

* NB Effective until April 1, 2028

* (x) certified peer recovery advocate services providers certified by the commissioner of addiction services and supports pursuant to section 19.18-b of the mental hygiene law, peer providers credentialed by the commissioner of addiction services and supports and peers certified or credentialed by the office of mental health; and

* NB Effective April 1, 2028

* (y) a mental health practitioner licensed pursuant to article one hundred sixty-three of the education law; and

* NB Effective until April 1, 2028

* (y) any other provider as determined by the commissioner pursuant to regulation or, in consultation with the commissioner, by the commissioner of the office of mental health, the commissioner of the office of addiction services and supports, or the commissioner of the office for people with developmental disabilities pursuant to regulation.

* NB Effective April 1, 2028

* (z) any other provider as determined by the commissioner pursuant to regulation or, in consultation with the commissioner, by the commissioner of the office of mental health, the commissioner of the office of addiction services and supports, or the commissioner of the office for people with developmental disabilities pursuant to regulation.

* NB Effective until April 1, 2028

3. "Originating site" means a site at which a patient is located at the time health care services are delivered to him or her by means of telehealth.

4. "Telehealth" means the use of electronic information and communication technologies by telehealth providers to deliver health care services, which shall include the assessment, diagnosis, consultation, treatment, education, care management and/or

self-management of a patient. Telehealth shall not include delivery of health care services by means of facsimile machines, or electronic messaging alone, though use of these technologies is not precluded if used in conjunction with telemedicine, store and forward technology, or remote patient monitoring. For purposes of this section, telehealth shall be limited to telemedicine, store and forward technology, remote patient monitoring and audio-only telephone communication, except that with respect to the medical assistance program established under section three hundred sixty-six of the social services law, and the child health insurance plan under title one-A of article twenty-five of this chapter, telehealth shall include audio-only telephone communication only to the extent defined in regulations as may be promulgated by the commissioner. This subdivision shall not preclude the delivery of health care services by means of "home telehealth" as used in section thirty-six hundred fourteen of this chapter.

5. "Telemedicine" means the use of synchronous, two-way electronic audio visual communications to deliver clinical health care services, which shall include the assessment, diagnosis, and treatment of a patient, while such patient is at the originating site and a telehealth provider is at a distant site.

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

7. "Remote patient monitoring" means the use of synchronous or asynchronous electronic information and communication technologies to collect personal health information and medical data from a patient at an originating site that is transmitted to a telehealth provider at a distant site for use in the treatment and management of medical conditions that require frequent monitoring. Such technologies may include additional interaction triggered by previous transmissions, such as interactive queries conducted through communication technologies or by telephone. Such conditions shall include, but not be limited to,

congestive heart failure, diabetes, chronic obstructive pulmonary disease, wound care, polypharmacy, mental or behavioral problems, and technology-dependent care such as continuous oxygen, ventilator care, total parenteral nutrition or enteral feeding. Remote patient monitoring shall be ordered by a physician licensed pursuant to article one hundred thirty-one of the education law, a nurse practitioner licensed pursuant to article one hundred thirty-nine of the education law, or a midwife licensed pursuant to article one hundred forty of the education law, with which the patient has a substantial and ongoing relationship.