

New York

Medicaid Program: New York Medicaid

Medicaid Program Administrator: New York State Dept. of Health

Regional Telehealth Resource Center

Northeast Telehealth Resource Center

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***Note:** Although Governor Cuomo signed SB 7852 (landmark legislation regarding coverage of certain telemedicine/telehealth services by private payers and the state’s Medicaid program) on December 29, 2014, it was accompanied by Approval Memo 35. The Approval Memo made his approval contingent on a chapter amendment to address several concerns he had with the bill, including its effective date and that the bill’s language may obligate insurers to provide coverage for services via telehealth, even when those services are not covered under the patient’s existing contract or policies. AB 2552-A/SB 2405 was passed by the legislature and signed into law by the Governor in March 2015 to address these issues. The law will go into effect January 1, 2016.

STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p><u>Related to Credentialing and Privileging health care practitioners providing telemedicine</u></p> <p>“Telemedicine means the delivery of clinical health care services by means of real time two-way electronic audio-visual communications which facilitate the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient’s health care, while such patient is at the originating site and the health care provider is at a distant site.”</p> <p><i>Source: NY Consolidated Law Service Public Health Sec. 2805-u.</i></p> <p><u>Will go into effect Jan. 1, 2016*</u></p> <p>The term “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 audio-only telephone communication, 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.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p> <p>Telemedicine means the use of synchronous, two-way electronic audio visual communications to deliver clinical health care services, which shall include the</p>	<p>“Telemedicine is the use of interactive audio and video telecommunications technology to support "real time" interactive patient care and consultations between healthcare practitioners and patients at a distance. The distant site or "hub" is where the medical specialist providing the consultation or service is located. The originating site or "spoke" is where the referring health professional and patient are located.”</p> <p><i>Source: NY Dept. of Health, Medicaid Update, Vol. 31, Number 3, March 2015, p. 18.</i></p> <p><u>Will go into effect Jan. 1, 2016*</u></p> <p>For the home telehealth program, term “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 audio-only telephone communication, 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.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p>

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<p>assessment, diagnosis, and treatment of a patient, while such a patient is at the originating site and a telehealth provider is at a distant site.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p>	
Live Video Reimbursement	
<p><u>Will go into effect Jan. 1, 2016*</u></p> <p>A health plan shall not exclude from coverage services that are provided via telehealth if they would otherwise be covered under a policy. Telehealth means the use of electronic information and communications technologies by a health care provider to deliver health services to an insured individual while such individual is located at a site that is different from the site where the health care provider is located.</p> <p><i>Source: NY Insurance Law Article 32 Section 3217-h.</i></p> <p><i>Source: NY Insurance Law Article 43 Section 4306-g.</i></p>	<p>Reimbursement policy applies to fee-for-service. Managed care plans may cover telemedicine at their own option and establish their own payment guidelines and structure.</p> <p>New York Medicaid will reimburse for live video services for medically necessary services provided to patients in:</p> <ul style="list-style-type: none"> • Hospitals (emergency room, outpatient department, Inpatient) established under Article 28 of the New York Public Health Law; • Diagnostic and Treatment Centers (D&TCs) established under Article 28 of the New York Public Health Law; • FQHCs that have "opted into" NY Medicaid Ambulatory Patient Groups (APG); • Non-FQHC School Based Health Centers (SBHCs) • Practitioner offices; • Article 28 facilities providing dental services; <p>Providers who may deliver telemedicine services include:</p> <ul style="list-style-type: none"> • Physician specialists, including psychiatrists; • Certified Diabetes Educators (CDEs); • Certified Asthma Educators (CAEs or A-ECs) • Clinical Psychologists; • Dentists; • Psychiatric Nurse Practitioners; • Genetic Counselors; • Licensed Clinical Social Workers (LCSW) and Licensed Master Social Workers (LMSW) only when employed by an Article 28 clinic. LCSWs and LMSW can only provide services to Medicaid enrollees under age 21 and pregnant women up to 60 days post-partum. <p><i>Source: NY Dept. of Health, Medicaid Update, Vol. 31, Number 3, March 2015, p. 18.</i></p> <p>Telepsychiatric services must meet certain conditions to be eligible for Medicaid reimbursement.</p> <p><i>Source: NY Regulations Title 14 NYCRR Section 599.17.</i></p>

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	<p><u>Will go into effect Jan. 1. 2016</u></p> <p>For the Home Telehealth program, a telehealth provider is:</p> <ul style="list-style-type: none"> • Licensed physician • Licensed physician assistant • Licensed dentist • Licensed nurse practitioner • Licensed registered professional nurse • Licensed podiatrist • Licensed optometrist • Licensed psychologist • Licensed social worker • Licensed speech language pathologist or audiologist • Licensed midwife • Certified diabetes educator • Certified asthma educator • Certified genetic counselor • Hospital • Home care services agency • Hospice • Or any other provider as determined by the Commissioner. <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p>
Store and Forward Reimbursement	
<p><u>Will go into effect Jan. 1. 2016</u></p> <p>Private payers may, but are not mandated to, reimburse for store-and forward delivered services.</p> <p><i>Source: NY Insurance Law Article 32 Section 3217-h.</i></p> <p><i>Source: NY Insurance Law Article 43 Section 4306-g.</i></p>	<p>Store and forward is not reimbursed.</p> <p><i>Source: NY Dept. of Health, Medicaid Update, Vol. 31, Number 3, March 2015, p. 18.</i></p> <p><u>Will go into effect Jan. 1. 2016</u></p> <p>For the home telehealth program, store and forward services may be reimbursed.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-dd</i></p>
Remote Patient Monitoring Reimbursement	
<p><u>Will go into effect Jan. 1. 2016</u></p> <p>Private payers may, but are not mandated to, reimburse for remote patient monitoring services.</p> <p><i>Source: NY Insurance Law Article 32 Section 3217-h.</i></p> <p><i>Source: NY Insurance Law Article 43 Section 4306-g.</i></p>	<p>See notes.</p> <p><u>Will go into effect Jan. 1. 2016</u></p> <p>For the home telehealth program, store and forward services may be reimbursed.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-dd</i></p>

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<p>Demonstration rates of payment or fees shall be established for telehealth services provided by a certified home health agency, a long term home health care program or AIDS home care program, or for telehealth services by a licensed home care services agency under contract with such an agency or program, in order to ensure the availability of technology-based patient monitoring, communication and health management. Reimbursement is provided only in connection with Federal Food and Drug Administration-approved and interoperable devices that are incorporated as part of the patient's plan of care.</p> <p><i>Source: NY Consolidated Law Service Public Health Sec. 3614.</i></p>	
Email/Phone/FAX	
<p><u>Will go into effect Jan. 1, 2016</u></p> <p>Per the definition of telehealth, health care services by means of audio-only telephone communication, facsimile machines, or electronic messaging alone are not included in the definition of telehealth. The use of these technologies is not precluded if used in conjunction with telemedicine, store and forward technology or remote patient monitoring.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p>	<p>No payment for telephone.</p> <p><i>Source: NY Medicaid Program. Physician Policy Guidelines. Version 2008-2. Apr. 15, 2008. Pg. 18.</i></p>
Online Prescribing	
No reference found.	No reference found.
Consent	
No reference found.	No reference found.
Location	
<p><u>Will go into effect Jan. 1, 2016</u></p> <p>Originating sites are limited to:</p> <ul style="list-style-type: none"> • Licensed health facilities in Articles 28 (hospitals) and 40 (hospice); • A facility as defined in Section 1.03, subdivision six of the Mental Hygiene Law which includes and place in which services for the mentally disabled are provided and includes but is not limited to a psychiatric center, development center, institute, clinic, ward, institution or building; • Private physician's offices located in New York; • When a patient is receiving health care services by means of remote patient monitoring, the patient's 	No reference found.

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<p>place of residence located within the state of New York or other temporary location located within or outside the state of New York.</p> <p><i>Source: NY Public Health Law Article 29 – G Section 2999-cc</i></p>	
Cross-State Licensing	
No reference found.	No reference found.
Private Payers	
<p><u>Will apply to all policies and contracts issued, renewed, modified altered or amended on or after Jan. 1, 2016.</u></p> <p>A health plan shall not exclude from coverage services that are provided via telehealth if they would otherwise be covered under a policy. Telehealth means the use of electronic information and communications technologies by a health care provider to deliver health services to an insured individual while such individual is located at a site that is different from the site where the health care provider is located.</p> <p><i>Source: NY Insurance Law Article 32 Section 3217-h. Source: NY Insurance Law Article 43 Section 4306-g.</i></p>	No reference found.
Site/Transmission Fee	
No reference found.	<p>Transmission fee may be billed under certain circumstances.</p> <p><i>Source: NY Dept. of Health, Medicaid Update, Vol. 31, Number 3, March 2015, p. 21.</i></p>
Miscellaneous	
	<p>New York hospitals acting as originating (spoke) sites must ensure that all physicians at distant (hub) sites are appropriately credentialed and privileged.</p> <p><i>Source: NY Dept. of Health, Medicaid Update, Vol. 31, Number 3, March 2015, p. 18.</i></p>

Comments:

Telemedicine/telehealth reimbursement in managed care is optional.

A review of Web resources of 18 MMC Plans reveals policy statements of telemedicine coverage for at least the following insurance providers:

- Amerigroup New York
- BlueCross Blue Shield of Western New York

- MVP Health Plan
- United Healthcare
- Univera Community Health
- WellCare of New York

Source: Northeast Telehealth Resource Center.