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States Begin 2016 with Expansion of Telehealth Services

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As we enter into the new year, the health industry continues to see expanded access to telehealth services. After a whirlwind 2015 in which we saw [over 200 telehealth-related bills introduced in 42 states](#), New York and Connecticut emerge as the first states in 2016 to implement laws that expand patients' access to telehealth services.

Effective January 1, 2016, three new laws will greatly expand telehealth services across the state of New York. The first law, [A.2552-A](#), amends section 2999-cc of the New York Public Health Law regarding coverage of telehealth services by insurers, including Medicaid, and with respect to telehealth-related definitions. As defined in the New York Public Health Law, telehealth is "the use of electronic information and communication technologies by telehealth providers to deliver health care services, which include assessment, diagnosis, consultation, treatment, education, care management and/or self-management of a patient." Among other things, A.2552-A provides that health care services delivered by means of telehealth will be entitled to reimbursement under New York's Medicaid program, and private insurers may not exclude from coverage a service that is otherwise covered under a patient's insurance policy because the service is delivered via telehealth. Under this law, reimbursement for telehealth services is contingent upon services being delivered by a telehealth provider when the patient is located at an approved originating site. The second law, [A.7488](#), amends 2999-cc of the Public Health Law, by adding physical therapist and occupational therapist to the list of telehealth providers that are able to provide telehealth services. Lastly, the third law, [A.7369](#), amends section 2999-cc, by including a dentist office as an "originating site" for the delivery of telehealth services.

Connecticut, like New York, started off 2016 with continued efforts to promote telehealth services. Connecticut's existing telehealth law, which became effective in October 2015, broadly defines "telehealth" as "the mode of delivering health care or other health services via information and communication technologies to facilitate the diagnosis, consultation and treatment, education, care management and self-management of a patient's physical and mental health, and includes (A) interaction between the patient at the originating site and the telehealth provider at a distant site, and (B) synchronous interactions, asynchronous store and forward transfers or remote patient monitoring." Under the new Connecticut law, [CT Public Act No. 15-88](#), effective January 1, 2016, commercial insurers must cover telehealth services in the same manner that they cover in-person visits and telehealth coverage must be subject to the same terms and conditions that apply to all other benefits under a patient's insurance policy.

As the importance of improving access to care and care coordination and identifying cost savings in the delivery of health care services increases, states should continue to steadily expand efforts to allow health care services via telehealth. While many states have made strides to expand the use of telehealth services, many more have not taken steps to require reimbursement by Medicaid programs or private insurers. At the same time, the multi-state licensure compact developed by the Federation of State Medical Boards continues to develop and expand. In short, we should expect to see telehealth legislation continue to develop in the coming years.

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