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.

The language currently existing in SB 7852, and signed into law under Chapter 550 of the NY Laws of 2014, will be superseded by the chapter amendment if and when it is signed into law retroactively. In the meantime, the Department of Health will not enforce the provisions of SB 7852 due to the pending amendment. AB 2552-A and SB 2405 were recently introduced into the 2015 legislative session to clarify SB 7852's language and address the Governor's concerns. CCHP will update its Medicaid manual in regards to the provisions in the new bill, once the required chapter amendment passes.

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Definition of telemedicine/telehealth	
Related to Credentialing and Privileging health care practitioners providing telemedicine "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." *Source: NY Consolidated Law Service Public Health Sec. 2805-u.* **New Definitions added by SB 7852 (currently not enforced)*** The term "telehealth" means delivering health care services by means of information and communications technologies consisting of telephones, remote patient monitoring devices or other electronic means 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. The term "telemedicine" means the delivery of clinical	"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." *Source: NY Dept. of Health, 2011 DOH Medicaid Updates, Volume 27 <http://www.health.ny.gov/health_care/medicaid/program/update/2011/2011-09.htm> Accessed Aug. 28, 2014*

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health care services by means of real time two-way electronic audio visual communications, including the application of secure video conferencing or store and forward technology to provide or support healthcare delivery, which facilitate the assessment, diagnosis, consultation, delivery, 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 provider is at a distant site. *Source: NY SB 7852 (2014).*	
Live Video Reimbursement	
New Reimbursement Policy added by SB 7852 (currently not enforced)* Medicaid shall not exclude from the payment of medical assistance funds the provision of medical care through telemedicine services. *Source: NY SB 7852 (2014).*	New York Medicaid will reimburse for live video services for medically necessary services provided to patients in: • 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). Providers who may deliver telemedicine services include: • Physician specialists, including psychiatrists; • Certified Diabetes Educators (CDEs); • Certified Asthma Educators (CAEs or A-ECs). *Source: NY Dept. of Health, 2011 DOH Medicaid Updates, Volume 27 <http://www.health.ny.gov/health_care/medicaid/program/update/2011/2011-09.htm#ln2> Accessed Aug. 28, 2014.*
Store and Forward Reimbursement	
New Reimbursement Policy added by SB 7852 (currently not enforced)* Telemedicine does include the use of store and forward technologies. *Source: NY SB 7852 (2014).*	Store and forward is not reimbursed. *Source: NY Dept. of Health, 2011 DOH Medicaid Updates, Volume 27 <http://www.health.ny.gov/health_care/medicaid/program/update/2011/2011-09.htm#ln2> Accessed Aug. 28, 2014.*
Remote Patient Monitoring Reimbursement	
New Reimbursement Policy added by SB 7852 (currently not enforced)* Medicaid will, at a minimum, provide payment for telehealth services as specified under Sec. 3614 of	See notes.

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Public Health Law (related to demonstration rates – see below) *Source: NY SB 7852 (2014).* 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. *Source: NY Consolidated Law Service Public Health Sec. 3614.*	
Email/Phone/FAX	
No reference found.	No payment for telephone. *Source: NY Medicaid Program. Physician Policy Guidelines. Version 2008-2. Apr. 15, 2008. Pg. 18.*
Online Prescribing	
No reference found.	No reference found.
Consent	
No reference found.	No reference found.
Location	
No reference found.	No reference found.
Cross-State Licensing	
No reference found.	No reference found.
Private Payers	
New Private Payer Policy added by SB 7852 (currently not enforced)* Insurance plans required to offer telemedicine coverage, and provide that coverage if telemedicine service is requested by policy holder. The service must meet the requirements of Medicare's telehealth rules and regulations (with the exception of their originating site restrictions), limiting reimbursement to live video, and restricting the type of eligible providers and CPT codes. They may also provide coverage for telehealth services if they choose to do so. *Source: NY SB 7852 (2014).*	No reference found.

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Site/Transmission Fee	
No reference found.	No reference found.
Miscellaneous	
	New York hospitals acting as originating (spoke) sites must ensure that all physicians at distant (hub) sites are appropriately credentialed and privileged. Originating sites may contract with an outside entity for professional application and verification, but not for peer review, quality assurance/quality improvement activities, and granting medical staff membership or professional privileges. ***Source: NY Dept. of Health, 2011 DOH Medicaid Updates, Volume 27 <http://www.health.ny.gov/health_care/medicaid/program/update/2011/2011-09.htm#ln2> Accessed Aug. 28, 2014.***

Comments**:**

New York is in the process of updating its Medicaid reimbursement policies for telehealth. We have been informed by a source in the State Department of Health that the updated policy will expand the settings and provider types for which live video services can be reimbursed.

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.