

Telehealth  
Amendments to 14 NYCRR Part 679 and Subpart 635-13

EMERGENCY/PROPOSED REGULATIONS

Effective Date: June 11, 2018  
Comments Due: August 27, 2018

- **New paragraph 679.1(c)(4) is added as follows, and all remaining paragraphs are renumbered accordingly:**
  - (4) Providing access to clinical services to a person located in his/her residence or other temporary location via telehealth (see glossary) while the provider is located either at a main clinic site certified by OPWDD or at a certified satellite site (see glossary).
- **New subdivision 679.2(c) is added as follows, and all remaining paragraphs are renumbered accordingly:**
  - (c) Section 367-u of the Social Services Law provides that the commissioner shall not exclude from the payment of medical assistance funds the delivery of healthcare services through telehealth when the services are provided pursuant to section 2999-cc(3) of the Public Health Law and meet the requirements of federal law, rules and regulations.
- **New subdivision 679.2(f) is added as follows:**
  - (f) Section 2999-cc of the Public Health Law provides that health care services, which must include the assessment, diagnosis, consultation, treatment, education, care management, and/or self-management of a patient, may be provided via the use of electronic information and communication technologies between qualifying providers located at a distant site and a patient located at an originating site.
- **New subdivision 679.2(g) is added as follows:**
  - (g) Section 4406-g of the Public Health Law provides that a health maintenance organization shall not exclude from coverage a service that is covered under an enrollee contract of a health maintenance organization because the service is delivered via telehealth.

Note: New material is underlined and deleted material is in [brackets].

- **New subdivision 679.2(h) is added as follows:**
  - (h) Sections 3217-h and 4306-g of the Insurance Law provide that under an insurance policy that provides comprehensive coverage for hospital, medical or surgical care, said services shall not be excluded from coverage because the service is delivered via telehealth.
- **Existing subdivision 679.5(c) is amended as follows:**
  - (c) A clinic visit may include face-to-face service as defined by allowable Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) and/or Current Dental Terminology (CDT) codes, or such allowable services provided via telehealth.
- **Existing subdivision 679.6(b) is amended as follows:**
  - (b) Each agency that operates a clinic treatment facility shall provide OPWDD information it requests, including but not limited to the following: services provided by CPT/HCPCS and/or CDT codes, where such services were delivered, including the location of both the provider and the individual when services are delivered via telehealth, (i.e., on-site or at a certified satellite site, or, prior to April 1, 2016, off-site) and revenues by funding source or payee. These data shall correspond to the identical time period of the cost report.
- **New subdivision 679.99(w) is added as follows, and all remaining subdivisions are renumbered accordingly:**
  - (w) *Telehealth.* The use of electronic information and communication technologies by a health care provider to deliver health care services to an individual while such individual is located at a site that is different from the site where the health care provider is located.
- **New subdivision 635-13.4(c) is added as follows, and all remaining subdivisions are renumbered accordingly:**
  - (c) IPSIDD services are prohibited from being delivered via telehealth.