

STATEMENT TO
[Third Reprint]
SENATE, No. 2559

with Assembly Floor Amendments
(Proposed by Assemblywoman DOWNEY)

ADOPTED: JUNE 21, 2021

These Assembly amendments revise an exemption from the coverage mandates for telemedicine and telehealth that apply to health benefits plan carriers, the State Medicaid and NJ FamilyCare programs, the State Health Benefits Program (SHBP), and the School Employees' Health Benefits Program (SEHBP), to provide that reimbursement rates for physical health care services provided using real-time, two-way audio without a video component, including audio-only telephone conversations, will be subject to the exception are to be determined under the contract between the insurer and the provider. The amendments also make certain non-substantive grammatical and structural changes to the coverage mandate exception language.

The amendments revise language prohibiting the SHBP and SEHBP from using telemedicine and telehealth to satisfy network adequacy requirements to clarify this prohibition will apply to contracts entered into by the SHBP and SEHBP after the effective date of the bill.

The committee amendments remove language providing that nothing in the telemedicine and telehealth law is to be construed to restrict a right of a patient to receive in-person services, and replace it with language providing that no provider can compel a patient to use telemedicine or telehealth in lieu of receiving in-person services.

The amendments revise the definition of "telemedicine" set forth in current law to remove language specifying that the term "telemedicine" does not mean the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.