

**ASSEMBLY, No. 5237**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED JANUARY 11, 2021

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

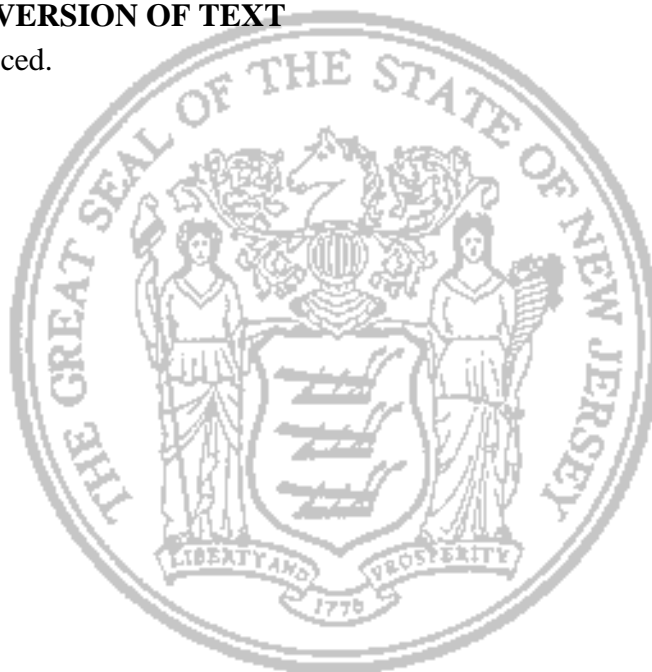
**Assemblyman Benson**

**SYNOPSIS**

Extends period for expanded use of telemedicine and telehealth services for duration of declared COVID-19 public health emergency and provides for additional health benefits coverage.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/25/2021)**

1 AN ACT concerning COVID-19 and telemedicine and amending  
2 P.L.2020, c.3.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 1 of P.L.2020, c.3 is amended to read as follows:

8 1. a. For the duration of the public health emergency declared  
9 pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) and the state of  
10 emergency declared pursuant to Executive Order No. 103 of 2020 in  
11 response to coronavirus disease 2019 (COVID-19), and for a period  
12 of **[90]** 360 days following the end of both the public health  
13 emergency and the state of emergency, any health care practitioner  
14 shall be authorized to provide and bill for services using  
15 telemedicine and telehealth, which may include all services  
16 included in the definitions of telemedicine and telehealth set forth  
17 in section 1 of P.L.2017, c.117 (C.45:1-61) to the extent appropriate  
18 under the standard of care, which services may be provided  
19 regardless of whether rules and regulations concerning the practice  
20 of telemedicine and telehealth have been adopted pursuant to the  
21 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
22 1 et seq.). A health care practitioner who is not licensed or certified  
23 to provide health care services pursuant to Title 45 of the Revised  
24 Statutes may provide telemedicine and telehealth services pursuant  
25 to this section, provided that:

26 (1) the health care practitioner is validly licensed or certified to  
27 provide health care services in another state or territory of the  
28 United States or in the District of Columbia, and is in good standing  
29 in the jurisdiction that issued the license or certification;

30 (2) the health care services provided by the health care  
31 practitioner using telemedicine and telehealth are within the  
32 practitioner’s authorized scope of practice in the jurisdiction that  
33 issued the license or certification;

34 (3) unless the health care practitioner has a preexisting provider-  
35 patient relationship with the patient that is unrelated to COVID-19,  
36 the health care services provided are limited to services related to  
37 screening for, diagnosing, or treating COVID-19; and

38 (4) in the event that the health care practitioner determines  
39 during a telemedicine or telehealth encounter with a patient located  
40 in New Jersey that the encounter will not involve services related to  
41 screening for, diagnosing, or treating COVID-19, and the  
42 practitioner does not have a preexisting provider-patient  
43 relationship with the patient that is unrelated to COVID-19, the  
44 practitioner shall advise the patient that the practitioner is not  
45 authorized to provide services to the patient, recommend that the  
46 patient initiate a new telemedicine or telehealth encounter with a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 health care practitioner licensed or certified to practice in New  
2 Jersey, and terminate the telemedicine or telehealth encounter.

3 b. The amount charged by a health care practitioner for  
4 services provided using telemedicine or telehealth pursuant to this  
5 section shall be reasonable and consistent with the ordinary fees  
6 typically charged for that service, provided that a health care  
7 practitioner who is required to terminate a telemedicine or  
8 telehealth encounter pursuant to paragraph (4) of subsection a. of  
9 this section shall not issue a bill for any services provided during  
10 the encounter.

11 c. The Commissioner of Health and the Director of the  
12 Division of Consumer Affairs in the Department of Law and Public  
13 Safety shall waive any requirement of State law or regulation as  
14 may be necessary to facilitate the provision of health care services  
15 using telemedicine and telehealth during the state of public health  
16 emergency declared in response to COVID-19, including any  
17 privacy requirements established by State law or regulation that  
18 would limit the use of electronic or technological means that are not  
19 typically used in the provision of telemedicine and telehealth,  
20 provided that nothing in this subsection shall be construed to  
21 authorize the waiver of any State laws or regulations restricting the  
22 collection, exchange, transmission, or use of confidential patient  
23 health information.

24 d. Nothing in this section shall be construed to abrogate any  
25 authority granted to the Commissioner of Health during a state of  
26 public health emergency pursuant to P.L.2005, c.222 (C.26:13-  
27 1 et seq.).

28

29 2. Section 1 of P.L.2020, c.7 is amended to read as follows:

30 1. a. During the Public Health Emergency and State of  
31 Emergency declared by the Governor in Executive Order 103 of  
32 2020, and for a period of **[90]** ~~360~~ days following the end of both  
33 the Public Health Emergency and the State of Emergency, the State  
34 Medicaid and NJ FamilyCare programs shall provide coverage and  
35 payment for expenses incurred in:

36 (1) the testing for coronavirus disease 2019 and due to any  
37 illness resulting the coronavirus disease 2019, provided that a  
38 licensed medical practitioner has issued a medical order for that  
39 testing; and

40 (2) the delivery of health care services through telemedicine or  
41 telehealth in accordance with the provisions of P.L.2017, c.117  
42 (C.45:1-61 et al.).

43 b. The coverage shall be provided to the same extent as for any  
44 other health care services, except that no cost-sharing shall be  
45 imposed on the coverage provided pursuant to this section.

1 c. The Commissioner of Human Services shall apply for such  
2 State plan amendments or waivers as may be necessary to  
3 implement the provisions of this act and to secure federal financial  
4 participation for State Medicaid expenditures under the federal  
5 Medicaid program and shall receive approval for such State plan  
6 amendments or waivers prior to the implementation of this act.

7  
8 3. Section 2 of P.L.2020, c.7 is amended to read as follows:

9 2. a. During the Public Health Emergency and State of  
10 Emergency declared by the Governor in Executive Order 103 of  
11 2020, and for a period of **[90]** 360 days following the end of both  
12 the Public Health Emergency and the State of Emergency, a carrier  
13 that offers a health benefits plan in this State shall provide coverage  
14 and payment for expenses incurred in:

15 (1) the testing of coronavirus disease 2019 and due to any  
16 illness resulting the coronavirus disease 2019, provided that a health  
17 care professional in accordance with the provisions of P.L.2017,  
18 c.117 (C.45:1-61 et al.) has issued a medical order for the  
19 testing; and

20 (2) any health care services delivered to a covered person  
21 through telemedicine or telehealth in accordance with the  
22 provisions of P.L.2017, c.117 (C.45:1-61 et al.).

23 b. The coverage shall be provided to the same extent as for any  
24 other health care services under the health benefits plan, except that  
25 no cost-sharing shall be imposed on the coverage provided pursuant  
26 to this section.

27 c. As used in this section, “carrier,” means an insurance  
28 company, health service corporation, hospital service corporation,  
29 medical service corporation, or health maintenance organization  
30 authorized to issue health benefits plans in this State, and shall  
31 include the State Health Benefits Program and the School  
32 Employees' Health Benefits Program.

33  
34 4. This act shall take effect immediately and shall expire one  
35 year following the end of the public health emergency declared in  
36 response to COVID-19.

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39 STATEMENT

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41 This bill extends the period for the expanded use of telemedicine  
42 and telehealth services for the duration of the declared COVID-19  
43 public health emergency.

44 The bill extends the applicability of P.L.2020, c.3, which  
45 expanded the use of telemedicine and telehealth services for the  
46 duration of COVID-19 public health emergency, and the

1 applicability of P.L.2020, c.7, which requires health benefits  
2 coverage for COVID-19 testing and health care services provided  
3 using telemedicine and telehealth for the duration of the COVID-19  
4 state of emergency and public health emergency, to provide that the  
5 provisions of both laws will continue until 360 days after the end of  
6 both the state of emergency and the public health emergency  
7 declared in response to COVID-19. In addition, the bill requires  
8 health benefits coverage for costs incurred due to any illness  
9 resulting the coronavirus disease 2019.