

P.L. 2023, CHAPTER 199, *approved December 21, 2023*

Assembly Committee Substitute for

Assembly, No. 5757

1 AN ACT regarding telemedicine and telehealth and amending
2 P.L.2021, c.310.

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

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7 1. Section 11 of P.L.2021, c.310 is amended to read as follows:

8 11. a. For the period beginning on the effective date of
9 P.L.2021, c.310 and ending on December 31, **[2023]** 2024, a health
10 benefits plan in this State shall provide coverage and payment for
11 health care services delivered to a covered person through
12 telemedicine or telehealth at a provider reimbursement rate that
13 equals the provider reimbursement rate that is applicable, when the
14 services are delivered through in-person contact and consultation in
15 New Jersey, provided the services are otherwise covered by the
16 health benefits plan when delivered through in-person contact and
17 consultation in New Jersey. The requirements of this subsection
18 shall not apply to:

19 (1) a health care service provided by a telemedicine or telehealth
20 organization that does not provide the health care service on an in-
21 person basis in New Jersey; or

22 (2) a physical health care service that was provided through
23 real-time, two-way audio without a video component, whether or
24 not utilized in combination with asynchronous store-and-forward
25 technology, including through audio-only telephone conversation.
26 The reimbursement rate for a physical health care service that is
27 subject to this paragraph shall be determined under the contract
28 with the provider; provided that the reimbursement rate for a
29 physical health care service when provided through audio-only
30 telephone conversation shall be at least 50 percent of the
31 reimbursement rate for the service when provided in person.

32 (3) The provisions of paragraph (2) of this subsection shall not
33 apply to a behavioral health service that was provided through real-
34 time, two-way audio without a video component, whether or not
35 utilized in combination with asynchronous store-and-forward
36 technology, including audio-only telephone conversation. A
37 behavioral health care service described in this paragraph shall be
38 reimbursed at a rate that equals the provider reimbursement rate for
39 the service when provided in person.

40 b. For the purposes of this section:

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 “Carrier” means an insurance company, health service
2 corporation, hospital service corporation, medical service
3 corporation, or health maintenance organization authorized to issue
4 health benefits plans in this State.

5 “Covered person” means the same as that term is defined in
6 section 2 of P.L.1997, c.192 (C.26:2S-2); a “benefits recipient” as
7 that term is defined under section 7 of P.L.2017, c.117 (C.30:4D-
8 6k); and a person covered under a contract purchased by the State
9 Health Benefits Commission or the School Employees’ Health
10 Benefits Commission.

11 “Health benefits plan” means a benefits plan which pays hospital
12 or medical expense benefits for covered services, and is delivered or
13 issued for delivery in this State by or through a carrier or a contract
14 purchased by the State Health Benefits Commission or the School
15 Employees’ Health Benefits Commission. The term shall include
16 the State Medicaid program established pursuant to P.L.1968, c.410
17 (C.30:4D-1 et seq.) and the NJ FamilyCare program established
18 pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).
19 (cf: P.L.2021, c.310, s.11)

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21 2. This act shall take effect immediately.

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26 Extends certain pay parity regarding telemedicine and telehealth
27 for one year.