



**State of New Jersey**  
DEPARTMENT OF BANKING AND INSURANCE  
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We appreciate you reaching out to the Department of Banking and Insurance regarding services for telehealth and telemedicine during the COVID-19 pandemic. The Department recognizes the difficulties that consumers and providers have endured and will continue to endure due to the effects of the pandemic. We are working to implement the appropriate industry adjustments and policies so that consumers and providers are able to continue operating during this crisis.

To that end, Governor Murphy and the Department have taken actions to ensure that New Jerseyans have access to telehealth and tele-mental health services to the greatest extent possible during the COVID-19 outbreak.

Governor Murphy signed two laws that will impact telemedicine and telehealth services.

- P.L. 2020, c. 7 (A3843) requires health insurance carriers (health, hospital and medical service corporations, health maintenance organizations and insurance companies) to provide coverage for expenses incurred in the delivery of health care services through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).
- P.L 2020, c. 3 (A3860) provides that for the duration of the public health emergency in response to coronavirus disease 2019, any health care practitioner will be authorized to provide and bill for services using telemedicine and telehealth. Any amount charged for services provided under the bill must be reasonable and consistent with the ordinary fees typically charged for that service. Out-of-state practitioners will have certain requirements that they must fulfill in order to be paid for telehealth and telemedicine services.

Further, this law requires the waiver of any requirement of State law or regulation as may be necessary to facilitate the provision of health care services using telemedicine and telehealth during the COVID-19 public health emergency, including any privacy requirements that would limit the use of electronic or technological means that are not typically used in the provision of telemedicine and telehealth, provided that nothing in the bill will authorize the waiver of any State laws or regulations restricting the collection, exchange, transmission, or use of confidential patient health information.

The Department of Banking and Insurance directed carriers in the individual, small and large group markets to:

- Review their telemedicine and telehealth networks to ensure adequacy, given the apparent increased demand, as well as grant any requested in-plan exceptions for individuals to access out-of-network telehealth providers if network telehealth providers are not available, including, but not limited to, mental health and behavioral health providers, physical therapists, occupational therapists, and speech therapists, and any other health providers capable and authorized to provide telehealth or telemedicine services pursuant to State law or other State-issued guidance.
- Cover, without cost-sharing (i.e., copayments, deductibles, or coinsurance), any healthcare services or supplies delivered or obtained via telemedicine or telehealth as required by P.L. 2020, c.7.
- Encourage providers to utilize telemedicine or telehealth services to minimize exposure of provider staff and other patients to those who may have the COVID-19 virus.
- Ensure that the rates of payment to in-network providers for services delivered via telemedicine or telehealth are not lower than the rates of payment established by the carrier for services delivered via traditional (i.e., in-person) methods.
- Notify providers of any instructions that are necessary to facilitate billing for telehealth services.
- Allow for telephonic telehealth services and flexibility in the specific technology used to deliver the services.
- Eliminate (may not impose) prior authorization requirements on medically necessary treatment that is delivered via telemedicine or telehealth.
- Disseminate information on their website, or other reasonable means, to notify individuals of these updates.

Please note that these actions do not apply to self-funded plans, federal health plans or health-sharing ministries because the Department does not regulate these entities.

We appreciate the critical services that you provide. If you continue to experience difficulties in getting paid for telehealth or telemedicine services, please do not hesitate to contact our hotline at 1-800-446-7467 (8:30 am to 5:00 pm EST Monday-Friday), or go to the department website and click on Consumer Assistance - Inquiries/Complaints, at <https://www.dobi.nj.gov>.

Again, thank you for contacting us regarding this important issue.

Sincerely,



Nicole A. Brown  
Director of Legislative Affairs