

1509

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

---

Introduced by Sens. DeFRANCISCO, GRIFFO, LARKIN, LAVALLE, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to notice by health maintenance organizations that a request for coverage of a particular treatment is denied

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The insurance law is amended by adding a new section 2601-a  
2     to read as follows:  
3     S 2601-A. DENIAL OF COVERAGE OR TREATMENT BY A HEALTH MAINTENANCE  
4     ORGANIZATION. WHENEVER A HEALTH MAINTENANCE ORGANIZATION, DOING BUSINESS  
5     IN THIS STATE, DENIES A CLAIM FOR COVERAGE OF A PARTICULAR PROCEDURE OR  
6     TREATMENT BECAUSE SUCH PROCEDURE OR TREATMENT IS NOT MEDICALLY NECES-  
7     SARY, THE HEALTH MAINTENANCE ORGANIZATION SHALL INFORM THE MEMBER AS TO  
8     THE CLINICAL STANDARDS USED FOR THE HEALTH MAINTENANCE ORGANIZATION'S  
9     DETERMINATION. FOR THE PURPOSES OF THIS SECTION, "CLINICAL STANDARDS"  
10    SHALL HAVE THE MEANING ASCRIBED BY SUBSECTION (B-1) OF SECTION FOUR  
11    THOUSAND NINE HUNDRED OF THIS CHAPTER.  
12    S 2. This act shall take effect on the thirtieth day after it shall  
13    have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD02128-01-9