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I N S E N A T E

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Introduced by Sens. SEWARD, KLEIN, MAZIARZ, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to payments to prehospital emergency medical services providers

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

1 Section 1. Section 3224-a of the insurance law is amended by adding a
2 new subsection (i) to read as follows:
3 (I) PAYMENTS TO NONPARTICIPATING OR NONPREFERRED PROVIDERS OF AMBU-
4 LANCE SERVICES LICENSED UNDER ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.
5 (1) WHENEVER AN INSURER OR AN ORGANIZATION, OR CORPORATION LICENSED OR
6 CERTIFIED PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER
7 OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW PROVIDES THAT ANY HEALTH
8 CARE CLAIMS SUBMITTED UNDER CONTRACTS OR AGREEMENTS ISSUED OR ENTERED
9 INTO PURSUANT TO THIS ARTICLE OR ARTICLES FORTY-TWO, FORTY-THREE OR
10 FORTY-SEVEN OF THIS CHAPTER AND ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH
11 LAW ARE PAYABLE TO A PARTICIPATING OR PREFERRED PROVIDER OF AMBULANCE
12 SERVICES FOR SERVICES RENDERED, THE INSURER, ORGANIZATION, OR CORPO-
13 RATION LICENSED OR CERTIFIED PURSUANT TO ARTICLE FORTY-THREE OR
14 FORTY-SEVEN OF THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH
15 LAW SHALL BE REQUIRED TO PAY SUCH BENEFITS EITHER DIRECTLY TO ANY SIMI-
16 LARLY LICENSED NONPARTICIPATING OR NONPREFERRED PROVIDER AT THE USUAL
17 AND CUSTOMARY CHARGE, WHICH SHALL NOT BE EXCESSIVE OR UNREASONABLE, WHEN
18 THE PROVIDER HAS RENDERED SUCH SERVICES, HAS A WRITTEN ASSIGNMENT OF
19 BENEFITS, AND HAS CAUSED WRITTEN NOTICE OF SUCH ASSIGNMENT TO BE GIVEN
20 TO THE INSURER, ORGANIZATION, OR CORPORATION LICENSED OR CERTIFIED

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

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1 PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTI-
2 CLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR JOINTLY TO SUCH NONPARTIC-
3 IPATING OR NONPREFERRED PROVIDER AND TO THE INSURED, SUBSCRIBER, OR
4 OTHER COVERED PERSON; PROVIDED, HOWEVER, THAT IN EITHER CASE THE INSUR-
5 ER, ORGANIZATION, OR CORPORATION LICENSED OR CERTIFIED PURSUANT TO ARTI-
6 CLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTICLE FORTY-FOUR OF
7 THE PUBLIC HEALTH LAW SHALL BE REQUIRED TO SEND SUCH BENEFIT PAYMENTS
8 DIRECTLY TO THE PROVIDER WHO HAS THE WRITTEN ASSIGNMENT. WHEN PAYMENT IS
9 MADE DIRECTLY TO A PROVIDER OF AMBULANCE SERVICES AS AUTHORIZED BY THIS
10 SECTION, THE INSURER, ORGANIZATION, OR CORPORATION LICENSED OR CERTIFIED
11 PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTI-
12 CLE FORTY-FOUR OF THE PUBLIC HEALTH LAW SHALL GIVE WRITTEN NOTICE OF
13 SUCH PAYMENT TO THE INSURED, SUBSCRIBER, OR OTHER COVERED PERSON.

14 (2) AN INSURER SHALL PROVIDE REIMBURSEMENT FOR THOSE SERVICES
15 PRESCRIBED BY THIS SECTION AT RATES NEGOTIATED BETWEEN THE INSURER AND
16 THE PROVIDER OF SUCH SERVICES. IN THE ABSENCE OF AGREED UPON RATES, AN
17 INSURER SHALL PAY FOR SUCH SERVICES AT THE USUAL AND CUSTOMARY CHARGE,
18 WHICH SHALL NOT BE EXCESSIVE OR UNREASONABLE.

19 (3) NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE
20 PAYMENT OF DIFFERENT LEVELS OF BENEFITS OR FROM HAVING DIFFERENCES IN
21 COINSURANCE PERCENTAGES APPLICABLE TO BENEFIT LEVELS FOR SERVICES
22 PROVIDED BY PARTICIPATING OR PREFERRED PROVIDERS AND NONPARTICIPATING OR
23 NONPREFERRED PROVIDERS.

24 THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO POLICIES THAT DO NOT
25 INCLUDE COVERAGE FOR AMBULANCE SERVICES.

26 S 2. Subparagraphs (C) and (D) of paragraph 24 of subsection (i) of
27 section 3216 of the insurance law, as added by chapter 506 of the laws
28 of 2001, are amended to read as follows:

29 (C) An insurer shall provide reimbursement for those services
30 prescribed by this section at rates negotiated between the insurer and
31 the provider of such services. In the absence of agreed upon rates, an
32 insurer shall pay for such services at the usual and customary charge,
33 which shall not be excessive or unreasonable. THE INSURER SHALL SEND
34 SUCH PAYMENTS DIRECTLY TO THE PROVIDER OF SUCH AMBULANCE SERVICES, IF
35 THE AMBULANCE SERVICE INCLUDES AN EXECUTED ASSIGNMENT OF BENEFITS FORM
36 WITH THE CLAIM.

37 (D) The provisions of this paragraph shall have no application to
38 transfers of patients between hospitals or health care facilities by an
39 ambulance service as described in subparagraph (A) of this paragraph
40 UNLESS SUCH SERVICES ARE COVERED UNDER THE POLICY.

41 S 3. Subparagraphs (C) and (D) of paragraph 15 of subsection (l) of
42 section 3221 of the insurance law, as added by chapter 506 of the laws
43 of 2001, are amended to read as follows:

44 (C) An insurer shall provide reimbursement for those services
45 prescribed by this section at rates negotiated between the insurer and
46 the provider of such services. In the absence of agreed upon rates, an
47 insurer shall pay for such services at the usual and customary charge,
48 which shall not be excessive or unreasonable. THE INSURER SHALL SEND
49 SUCH PAYMENTS DIRECTLY TO THE PROVIDER OF SUCH AMBULANCE SERVICES, IF
50 THE AMBULANCE SERVICE INCLUDES AN EXECUTED ASSIGNMENT OF BENEFITS FORM
51 WITH THE CLAIM.

52 (D) The provisions of this paragraph shall have no application to
53 transfers of patients between hospitals or health care facilities by an
54 ambulance service as described in subparagraph (A) of this paragraph
55 UNLESS SUCH SERVICES ARE COVERED UNDER THE POLICY.

1 S 4. Paragraphs 3 and 4 of subsection (aa) of section 4303 of the
2 insurance law, as added by chapter 506 of the laws of 2001, are amended
3 to read as follows:

4 (3) An insurer shall provide reimbursement for those services
5 prescribed by this section at rates negotiated between the insurer and
6 the provider of such services. In the absence of agreed upon rates, an
7 insurer shall pay for such services at the usual and customary charge,
8 which shall not be excessive or unreasonable. THE INSURER SHALL SEND
9 SUCH PAYMENTS DIRECTLY TO THE PROVIDER OF SUCH AMBULANCE SERVICES, IF
10 THE AMBULANCE SERVICE INCLUDES AN EXECUTED ASSIGNMENT OF BENEFITS FORM
11 WITH THE CLAIM.

12 (4) The provisions of this subsection shall have no application to
13 transfers of patients between hospitals or health care facilities by an
14 ambulance service as described in paragraph one of this subsection
15 UNLESS SUCH SERVICES ARE COVERED UNDER THE POLICY.

16 S 5. This act shall take effect January 1, 2012 and shall apply to
17 health care claims submitted for payment after such date.