

4013--C

2011-2012 Regular Sessions

I N   S E N A T E

March 14, 2011

---

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the public health law, in relation to coverage of early intervention services

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

1     Section 1. Subsection (c) of section 3235-a of the insurance law, as  
2     added by section 3 of part C of chapter 1 of the laws of 2002, is  
3     amended and a new subsection (e) is added to read as follows:  
4     (c) Any right of subrogation to benefits which a municipality is enti-  
5     tled in accordance with paragraph (d) of subdivision three of section  
6     twenty-five hundred fifty-nine of the public health law shall be valid  
7     and enforceable to the extent benefits are available under any accident  
8     and health insurance policy. The right of subrogation does not attach to  
9     insurance benefits paid or provided under any accident and health insur-  
10    ance policy prior to receipt by the insurer of written notice from the  
11    municipality. UPON THE INSURER'S RECEIPT OF WRITTEN REQUEST AND NOTICE  
12    FROM THE MUNICIPALITY THAT SUCH RIGHT OF SUBROGATION HAS BEEN GRANTED TO  
13    SUCH MUNICIPALITY AND THAT THE INSURED HAS AUTHORIZED THE RELEASE OF  
14    INFORMATION TO THE MUNICIPALITY, THE INSURER SHALL PROVIDE THE MUNICI-  
15    PALITY WITH INFORMATION ON THE EXTENT OF BENEFITS AVAILABLE TO THE  
16    COVERED PERSON UNDER SUCH POLICY.  
17    (E) WRITTEN CLAIM FOR EARLY INTERVENTION PROGRAM SERVICES SHALL BE  
18    SUBMITTED BY THE MUNICIPALITY AS THE APPROVED PROVIDER WITHIN ONE  
19    HUNDRED FIFTY DAYS FROM THE DATE OF SERVICE.

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

LBD00328-12-1

1 S 2. Paragraph (a) of subdivision 3 of section 2559 of the public  
2 health law is amended by adding two new subparagraphs (i) and (ii) to  
3 read as follows:  
4 (I) PARENTS SHALL PROVIDE AND THE MUNICIPALITY SHALL OBTAIN INFORMA-  
5 TION ON ANY PLAN OF INSURANCE UNDER WHICH AN ELIGIBLE CHILD HAS COVER-  
6 AGE.  
7 (II) PARENTS SHALL PROVIDE THE MUNICIPALITY WITH A WRITTEN REFERRAL  
8 FROM A PRIMARY CARE PROVIDER AS DOCUMENTATION, FOR ELIGIBLE CHILDREN, OF  
9 THE MEDICAL NECESSITY OF EARLY INTERVENTION SERVICES.  
10 S 3. This act shall take effect immediately.