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I N   S E N A T E

(PREFILED)

January 8, 2014

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Introduced by Sens. HANNON, DeFRANCISCO, LAVALLE, MAZIARZ, RANZENHOFER  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation  
to requiring health care insurers to offer coverage for health care  
provided by out-of-network providers

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

1     Section 1. Section 3217-e of the insurance law, as added by chapter  
2     219 of the laws of 2011, is amended to read as follows:  
3     S 3217-e. Choice of health care provider. (A) An insurer that is  
4     subject to this article and requires or provides for designation by an  
5     insured of a participating primary care provider shall permit the  
6     insured to designate any participating primary care provider who is  
7     available to accept such individual, and in the case of a child, shall  
8     permit the insured to designate a physician (allopathic or osteopathic)  
9     who specializes in pediatrics as the child's primary care provider if  
10    such provider participates in the network of the insurer.  
11    (B) EVERY INSURER THAT OFFERS HEALTH INSURANCE AND IS SUBJECT TO THE  
12    PROVISIONS OF THIS ARTICLE, SHALL OFFER OUT-OF-NETWORK COVERAGE AS AN  
13    OPTIONAL RIDER TO ANY POLICY AND SHALL OFFER AT LEAST ONE POLICY OPTION  
14    THAT INCLUDES OUT-OF-NETWORK COVERAGE. THESE OPTIONS SHALL BE MADE  
15    AVAILABLE BOTH WITHIN THE STATEWIDE HEALTH BENEFIT EXCHANGE AND OUTSIDE  
16    OF THE HEALTH BENEFIT EXCHANGE.  
17    S 2. Section 4306-d of the insurance law, as added by chapter 219 of  
18    the laws of 2011, is amended to read as follows:  
19    S 4306-d. Choice of health care provider. (A) A corporation that is  
20    subject to the provisions of this article and requires or provides for  
21    designation by a subscriber of a participating primary care provider  
22    shall permit the subscriber to designate any participating primary care  
23    provider who is available to accept such individual, and in the case of  
24    a child, shall permit the subscriber to designate a physician (allopath-  
25    ic or osteopathic) who specializes in pediatrics as the child's primary

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

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1 care provider if such provider participates in the network of the corpo-  
2 ration.

3 (B) EVERY CORPORATION THAT IS SUBJECT TO THE PROVISIONS OF THIS ARTI-  
4 CLE, SHALL OFFER OUT-OF-NETWORK COVERAGE AS AN OPTIONAL RIDER TO ANY  
5 CONTRACT AND SHALL OFFER AT LEAST ONE CONTRACT OPTION THAT INCLUDES  
6 OUT-OF-NETWORK COVERAGE. THESE OPTIONS SHALL BE MADE AVAILABLE BOTH  
7 WITHIN THE STATEWIDE HEALTH BENEFIT EXCHANGE AND OUTSIDE OF THE HEALTH  
8 BENEFIT EXCHANGE.

9 S 3. Section 4403 of the public health law is amended by adding a new  
10 subdivision 9 to read as follows:

11 9. EVERY HEALTH MAINTENANCE ORGANIZATION SHALL OFFER OUT-OF-NETWORK  
12 COVERAGE AS AN OPTIONAL RIDER TO ANY CONTRACT AND SHALL OFFER AT LEAST  
13 ONE CONTRACT OPTION THAT INCLUDES OUT-OF-NETWORK COVERAGE. THESE OPTIONS  
14 SHALL BE MADE AVAILABLE BOTH WITHIN THE STATEWIDE HEALTH BENEFIT  
15 EXCHANGE AND OUTSIDE OF THE HEALTH BENEFIT EXCHANGE.

16 S 4. This act shall take effect on the first of January next succeed-  
17 ing the date on which it shall have become a law, and shall apply to  
18 contracts and policies issued, renewed, modified or amended on or after  
19 such date.