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I N   S E N A T E

January 9, 2014

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Introduced by Sen. DeFRANCISCO -- 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 the definitions of "clinical peer reviewer" for the purposes of  
utilization review and external appeal

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

1     Section 1. Subsection (b) of section 4900 of the insurance law, as  
2 amended by chapter 586 of the laws of 1998, is amended to read as  
3 follows:  
4     (b) "Clinical peer reviewer" means:  
5     (1) for purposes of title one of this article:  
6     (A) a physician who possesses a current and valid non-restricted  
7 license to practice medicine PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE  
8 OF THE EDUCATION LAW; or  
9     (B) a health care professional other than a licensed physician who:  
10    (i) where applicable, possesses a current and valid non-restricted  
11 license, certificate or registration [or, where no provision for a  
12 license, certificate or registration exists, is credentialed by the  
13 national accrediting body appropriate to the profession] ISSUED PURSUANT  
14 TO TITLE EIGHT OF THE EDUCATION LAW; and  
15    (ii) is in the same profession and same or similar specialty as the  
16 health care provider who typically manages the medical condition or  
17 disease or provides the health care service or treatment under review;  
18 and  
19    (2) for purposes of title two of this article:  
20    (A) a physician who:  
21    (i) possesses a current and valid non-restricted license to practice  
22 medicine PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION  
23 LAW;  
24    (ii) where applicable, is board certified or board eligible in the  
25 same or similar specialty as the health care provider who typically  
26 manages the medical condition or disease or provides the health care  
27 service or treatment under appeal;

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

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(iii) has been practicing in such area of specialty for a period of at least five years; and

(iv) is knowledgeable about the health care service or treatment under appeal; or

(B) a health care professional other than a licensed physician who:

(i) where applicable, possesses a current and valid non-restricted license, certificate or registration ISSUED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW;

(ii) [where applicable, is credentialed by the national accrediting body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under appeal;

(iii)] has been practicing in such area of specialty for a period of at least five years;

[(iv)] (III) is knowledgeable about the health care service or treatment under appeal; and

[(v)] (IV) where applicable to such health care professional's scope of practice, is clinically supported by a physician who possesses a current and valid non-restricted license to practice medicine PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW.

(3) Nothing [herein] IN THIS ARTICLE shall be construed to change any statutorily-defined scope of practice.

S 2. Subdivision 2 of section 4900 of the public health law, as amended by chapter 586 of the laws of 1998, is amended to read as follows:

2. "Clinical peer reviewer" means:

(a) for purposes of title one of this article:

(i) a physician who possesses a current and valid non-restricted license to practice medicine PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW; or

(ii) a health care professional other than a licensed physician who:

(A) where applicable, possesses a current and valid non-restricted license, certificate or registration [or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession] ISSUED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW; and

(B) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; and

(b) for purposes of title two of this article:

(i) a physician who:

(A) possesses a current and valid non-restricted license to practice medicine PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW;

(B) where applicable, is board certified or board eligible in the same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under appeal;

(C) has been practicing in such area of specialty for a period of at least five years; and

(D) is knowledgeable about the health care service or treatment under appeal; or

(ii) a health care professional other than a licensed physician who:

1 (A) where applicable, possesses a current and valid non-restricted  
2 license, certificate or registration ISSUED PURSUANT TO TITLE EIGHT OF  
3 THE EDUCATION LAW;

4 (B) [where applicable, is credentialed by the national accrediting  
5 body appropriate to the profession in the same profession and same or  
6 similar specialty as the health care provider who typically manages the  
7 medical condition or disease or provides the health care service or  
8 treatment under appeal;

9 (C)] has been practicing in such area of specialty for a period of at  
10 least five years;

11 [(D)] (C) is knowledgeable about the health care service or treatment  
12 under appeal; and

13 [(E)] (D) where applicable to such health care professional's scope of  
14 practice, is clinically supported by a physician who possesses a current  
15 and valid non-restricted license to practice medicine PURSUANT TO ARTI-  
16 CLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW.

17 (c) Nothing [herein] IN THIS ARTICLE shall be construed to change any  
18 statutorily-defined scope of practice.

19 S 3. This act shall take effect on the one hundred twentieth day after  
20 it shall have become a law.