S T A T E O F N E W Y O R K

629

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. VALESKY -- 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 provider credentialing

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

Section 1. Subsection (a) of section 4803 of the insurance law is amended by adding a new paragraph 3 to read as follows:

(3) A NEWLY-LICENSED PHYSICIAN, A PHYSICIAN WHO HAS RECENTLY RELOCATED TO THIS STATE FROM ANOTHER STATE AND HAS NOT PREVIOUSLY PRACTICED IN THIS STATE, OR A PHYSICIAN WHO HAS CHANGED HIS OR HER CORPORATE RELATIONSHIP SUCH THAT IT RESULTS IN THE ISSUANCE OF A NEW TAX IDENTIFICATION NUMBER UNDER WHICH SUCH PHYSICIAN'S SERVICES ARE BILLED FOR, WHO IS EMPLOYED BY A GENERAL HOSPITAL LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, AND WHOSE OTHER EMPLOYED PHYSICIANS PARTICIPATE IN THE IN-NETWORK PORTION OF AN INSURER'S NETWORK, SHALL BE DEEMED "PROVISIONALLY CREDENTIALED" AND MAY PARTICIPATE IN THE IN-NETWORK PORTION OF AN INSURER'S NETWORK UPON : (I) THE INSURER'S RECEIPT OF THE HOSPITAL AND PHYSICIAN'S COMPLETED SECTIONS OF THE INSURER'S CREDENTIALING APPLICATION; AND (II) THE INSURER BEING NOTIFIED IN WRITING THAT THE HEALTH CARE PROFESSIONAL HAS BEEN GRANTED HOSPITAL PRIVILEGES PURSUANT TO THEIR REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THE PUBLIC HEALTH LAW. HOWEVER, A PROVISIONALLY CREDENTIALED PHYSICIAN SHALL NOT BE DESIGNATED AS AN INSURED'S PRIMARY CARE PHYSICIAN UNTIL SUCH TIME AS THE PHYSICIAN HAS BEEN FULLY CREDENTIALED BY THE INSURER. AN INSURER SHALL NOT BE REQUIRED TO MAKE ANY PAYMENTS TO THE LICENSED GENERAL HOSPITAL FOR SERVICES PROVIDED BY A PROVISIONALLY CREDENTIALED PHYSICIAN, UNTIL AND UNLESS THE PHYSICIAN IS FULLY CREDENTIALED BY THE INSURER, PROVIDED, HOWEVER, THAT UPON BEING FULLY CREDENTIALED, THE LICENSED GENERAL HOSPITAL SHALL BE PAID FOR ALL

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

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SERVICES THAT THE CREDENTIALED PHYSICIAN PROVIDED TO THE INSURER'S INSUREDS FROM THE DATE THE PHYSICIAN FULLY MET THE REQUIREMENTS TO BE PROVISIONALLY CREDENTIALED PURSUANT TO THIS PARAGRAPH. SHOULD THE APPLICATION ULTIMATELY BE DENIED BY THE INSURER, THE INSURER SHALL NOT BE LIABLE FOR ANY PAYMENT TO THE LICENSED GENERAL HOSPITAL FOR THE SERVICES PROVIDED BY THE PROVISIONALLY CREDENTIALED HEALTH CARE PROFESSIONAL THAT EXCEED ANY OUT-OF-NETWORK BENEFITS PAYABLE UNDER THE INSURED'S CONTRACT WITH THE INSURER; AND THE LICENSED GENERAL HOSPITAL SHALL NOT PURSUE REIMBURSEMENT FORM THE INSURED, EXCEPT TO COLLECT THE COPAYMENT OR COINSURANCE THAT OTHERWISE WOULD HAVE BEEN PAYABLE HAD THE INSURED RECEIVED SERVICES FROM A HEALTH CARE PROFESSIONAL PARTICIPATING IN THE IN-NETWORK PORTION OF AN INSURER'S NETWORK.

S 2. Subdivision 1 of section 4406-d of the public health law is amended by adding a new paragraph (c) to read as follows:

(C) A NEWLY-LICENSED PHYSICIAN, A PHYSICIAN WHO HAS RECENTLY RELOCATED TO THIS STATE FROM ANOTHER STATE AND HAS NOT PREVIOUSLY PRACTICED IN THIS STATE, OR A PHYSICIAN WHO HAS CHANGED HIS OR HER CORPORATE RELATIONSHIP SUCH THAT IT RESULTS IN THE ISSUANCE OF A NEW TAX IDENTIFICATION NUMBER UNDER WHICH SUCH PHYSICIAN'S SERVICES ARE BILLED FOR, WHO IS EMPLOYED BY A GENERAL HOSPITAL LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER, AND WHOSE OTHER EMPLOYED PHYSICIANS PARTICIPATE IN THE IN-NETWORK PORTION OF A HEALTH CARE PLAN'S NETWORK, SHALL BE DEEMED "PROVISIONALLY CREDENTIALLED" AND MAY PARTICIPATE IN THE IN-NETWORK PORTION OF A HEALTH CARE PLAN'S NETWORK UPON: (I) THE PLAN'S RECEIPT OF THE HOSPITAL AND PHYSICIAN'S COMPLETED SECTION OF THE PLAN'S CREDENTIALING APPLICATION; AND (II) THE HEALTH CARE PLAN BEING NOTIFIED IN WRITING THAT THE HEALTH CARE PROFESSIONAL HAS BEEN GRANTED HOSPITAL PRIVILEGE PURSUANT TO THE REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THIS CHAPTER. HOWEVER, A PROVISIONALLY CREDENTIALED PHYSICIAN SHALL NOT BE DESIGNATED AS AN ENROLLEE'S PRIMARY CARE PHYSICIAN UNTIL SUCH TIME AS THE PHYSICIAN HAS BEEN FULLY CREDENTIALED BY THE HEALTH CARE PLAN. A HEALTH CARE PLAN SHALL NOT BE REQUIRED TO MAKE ANY PAYMENTS TO THE LICENSED GENERAL HOSPITAL FOR SERVICED PROVIDED BY A PROVISIONALLY CREDENTIALED PHYSICIAN, UNTIL AND UNLESS THE PHYSICIAN IS FULLY CREDENTIALED BY THE HEALTH CARE PLAN, PROVIDED HOWEVER THAT UPON BEING FULLY CREDENTIALED, THE LICENSED GENERAL HOSPITAL SHALL BE PAID FOR ALL SERVICES THAT THE CREDENTIALED PHYSICIAN PROVIDED TO THE HEALTH PLAN'S ENROLLEES FROM THE DATE THE PHYSICIAN FULLY MET THE REQUIREMENTS TO BE PROVISIONALLY CREDENTIALED PURSUANT TO THIS PARAGRAPH. SHOULD THE APPLICATION ULTIMATELY BE DENIED BY THE HEALTH CARE PLAN, THE HEALTH CARE PLAN SHALL NOT BE LIABLE FOR ANY PAYMENT TO THE LICENSED GENERAL HOSPITAL FOR THE SERVICES PROVIDED BY THE PROVISIONALLY CREDENTIALED HEALTH CARE PROFESSIONAL THAT EXCEED ANY OUT-OF-NETWORK BENEFITS PAYABLE UNDER THE ENROLLEE'S CONTRACT WITH THE HEALTH CARE PLAN AND THE LICENSED GENERAL HOSPITAL SHALL NOT PURSUE REIMBURSEMENT FORM THE ENROLLEE, EXCEPT TO COLLECT THE COPAYMENT OR COINSURANCE THAT OTHERWISE WOULD HAVE BEEN PAYABLE HAD THE ENROLLEE RECEIVED SERVICES FROM A HEALTH CARE PROFESSIONAL PARTICIPATING IN THE IN-NETWORK PORTION OF AN INSURER'S NETWORK.

S 3. This act shall take effect on the ninetieth day after it shall have become a law, and shall apply to applications submitted on or after such date and shall not apply to applications submitted prior to such date if such application is resubmitted in substantially similar form on or after the effective date of this act.