

STATE OF NEW YORK

378

2017-2018 Regular Sessions

IN ASSEMBLY

January 5, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the state medical indemnity fund; to amend a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, in relation to the effectiveness thereof; and to repeal subdivisions 2-a and 7-a of section 2999-j and section 2999-k of the public health law, relating to requests for denials of claims and denials of requests for prior authorizations and consumer and stakeholder workgroups

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 2-a and 7-a of section 2999-j of the public
2 health law, as added by a chapter of the laws of 2016, amending the
3 public health law relating to payments from the New York state medical
4 indemnity fund, as proposed in legislative bills numbers S.7873-B and
5 A.9835-B, are REPEALED.

6 § 2. Paragraph (c) of subdivision 2 of section 2999-j of the public
7 health law, as added by a chapter of the laws of 2016, amending the
8 public health law relating to payments from the New York state medical
9 indemnity fund, as proposed in legislative bills numbers S.7873-B and
10 A.9835-B, is amended to read as follows:

11 (c) such regulations shall not prohibit qualifying health care costs
12 on the grounds that the qualifying health care cost [~~is not limited to~~
13 ~~the direct need of the patient and~~] may incidentally benefit other
14 members of the household, provided that whether the qualifying health
15 care cost primarily benefits the patient may be considered.

16 § 3. Subdivision 3 of section 2999-h of the public health law, as
17 amended by a chapter of the laws of 2016, amending the public health law
18 relating to payments from the New York state medical indemnity fund, as

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

LBD06718-04-7

1 proposed in legislative bills numbers S.7873-B and A.9835-B, is amended
2 to read as follows:

3 3. "Qualifying health care costs" means the future medical, hospital,
4 surgical, nursing, dental, rehabilitation, habilitation, respite, custo-
5 dial, durable medical equipment, home modifications, assistive technolo-
6 gy, vehicle modifications, transportation for purposes of health care
7 related appointments, prescription and non-prescription medications, and
8 other health care costs actually incurred for services rendered to and
9 supplies utilized by qualified plaintiffs, which are necessary to meet
10 their health care needs, [~~including providing therapeutic benefit,~~] as
11 determined by their treating physicians, physician assistants, or nurse
12 practitioners and as otherwise defined by the commissioner in regu-
13 lation.

14 § 4. Section 2999-k of the public health law, as added by a chapter of
15 the laws of 2016, amending the public health law relating to payments
16 from the New York state medical indemnity fund, as proposed in legisla-
17 tive bills numbers S.7873-B and A.9835-B, is REPEALED.

18 § 5. On or before April 1, 2017, the superintendent of financial
19 services shall issue a report to the governor and the legislature
20 addressing the financial condition of the state medical indemnity fund,
21 the future solvency of such fund, and any issues relating to the opera-
22 tion of such fund that the superintendent, in his or her sole
23 discretion, elects to include in the report. In preparing the report,
24 the superintendent may consult with qualified plaintiffs, represen-
25 tatives of qualified plaintiffs, and physicians, advocates, and other
26 interested parties.

27 § 6. Section 5 of a chapter of the laws of 2016, amending the public
28 health law relating to payments from the New York state medical indem-
29 nity fund, as proposed in legislative bills numbers S.7873-B and
30 A.9835-B, is amended to read as follows:

31 § 5. This act shall take effect on the forty-fifth day after it shall
32 have become a law, provided that the amendments to subdivision 4 of
33 section 2999-j of the public health law made by section two of this act
34 shall take effect on June 30, 2017 and shall expire and be deemed
35 repealed December 31, 2019.

36 § 7. This act shall take effect immediately; provided, however, that
37 sections one, two, three and four of this act shall take effect on the
38 same date and in the same manner as a chapter of the laws of 2016,
39 amending the public health law relating to payments from the New York
40 state medical indemnity fund, as proposed in legislative bills numbers
41 S.7873-B and A.9835-B, takes effect.