

STATE OF NEW YORK

1185

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to limits on charges by providers of health services

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

1 Section 1. Subsections (a) and (b) of section 5108 of the insurance
2 law are amended to read as follows:

3 (a) The charges for services specified in paragraph one of subsection
4 (a) of section five thousand one hundred two of this article and any
5 further health service charges which are incurred as a result of the
6 injury and which are in excess of basic economic loss, shall not exceed
7 the charges permissible under the [~~schedules~~] schedule prepared and
8 established by the [~~chairman of the workers' compensation board for~~
9 ~~industrial accidents~~] superintendent pursuant to subsection (b) of this
10 section, except where the insurer or arbitrator determines that unusual
11 procedures or unique circumstances justify the excess charge.

12 (b) The superintendent[~~, after consulting with the chairman of the~~
13 ~~workers' compensation board and the commissioner of health,~~] shall
14 promulgate rules and regulations [~~implementing and coordinating the~~
15 ~~provisions of this article and the workers' compensation law~~] with
16 respect to charges for the professional health services specified in
17 paragraph one of subsection (a) of section five thousand one hundred two
18 of this article, including the establishment of schedules for all such
19 services [~~for which schedules have not been prepared and established by~~
20 ~~the chairman of the workers' compensation board~~]. In establishing such
21 schedules the superintendent shall ensure that provider reimbursement
22 rates accurately reflect the treatment needs of no-fault claimants
23 including the establishment of rates sufficient to reimburse specialty
24 providers who treat no-fault claimants.

25 § 2. This act shall take effect immediately.

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

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