

STATE OF NEW YORK

866

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the insurance law, in relation to requiring health insurers to provide insureds and covered persons the option to assign the payment of emergency services benefits directly to an out of network health care provider

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

1 Section 1. Subsection (c) of section 3241 of the insurance law, as
2 added by section 6 of part H of chapter 60 of the laws of 2014, is
3 amended to read as follows:

4 (c) (1) When an insured or enrollee under a contract or policy that
5 provides coverage for emergency services receives the services from a
6 health care provider that does not participate in the provider network
7 of an insurer, a corporation organized pursuant to article forty-three
8 of this chapter, a municipal cooperative health benefit plan certified
9 pursuant to article forty-seven of this chapter, a health maintenance
10 organization certified pursuant to article forty-four of the public
11 health law, or a student health plan established or maintained pursuant
12 to section one thousand one hundred twenty-four of this chapter ("health
13 care plan"), the health care plan shall ensure that the insured or
14 enrollee shall (A) incur no greater out-of-pocket costs for the emergen-
15 cy services than the insured or enrollee would have incurred with a
16 health care provider that participates in the health care plan's provid-
17 er network and (B) provide the insured or enrollee the option of assign-
18 ing the payment of any benefits due under such contract or policy
19 directly to the health care provider. Whenever, in any health insurance
20 claim form, an insured or enrollee specifically authorizes the payment
21 of benefits directly to a health care provider, the health care plan
22 shall make such payment to the health care provider. (2) For the

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

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1 purpose of this section, "emergency services" shall have the meaning set
2 forth in subparagraph (D) of paragraph nine of subsection (i) of section
3 three thousand two hundred sixteen of this article, subparagraph (D) of
4 paragraph four of subsection (k) of section three thousand two hundred
5 twenty-one of this article, and subparagraph (D) of paragraph two of
6 subsection (a) of section four thousand three hundred three of this
7 chapter.

8 § 2. This act shall take effect on the ninetieth day after it shall
9 have become a law.