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

10416

I N A S S E M B L Y

March 25, 2010

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

AN ACT to amend the insurance law and the public health law, in relation to prohibiting the disruption of health services by any third party

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

Section 1. The insurance law is amended by adding a new section 3224-d to read as follows:

S 3224-D. THIRD PARTY DISRUPTION OF CARE PROHIBITED. (A) NO THIRD PARTY, INCLUDING BUT NOT LIMITED TO ANY INSURANCE PROVIDER, SHALL CAUSE A DISRUPTION IN HEALTH SERVICES OR SUGGEST A DISRUPTION IN SERVICES BY REQUIRING ANY PATIENT TO USE A SPECIFIC HEALTH CARE PROVIDER. PATIENTS, GUARDIANS OF PATIENTS OR ATTORNEYS OF PATIENTS SHALL HAVE THE SOLE AND EXCLUSIVE RIGHT TO CHOOSE THE PATIENT'S HEALTH CARE PROVIDER.

(B) A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION SHALL BE IMPOSED FOR VIOLATIONS OF THIS SECTION.

S 2. The public health law is amended by adding a new section 12-e to read as follows:

S 12-E. THIRD PARTY DISRUPTION OF CARE PROHIBITED. 1. NO THIRD PARTY, INCLUDING BUT NOT LIMITED TO ANY INSURANCE PROVIDER, HOSPITAL OR SCHOOL-APPROVED ORGANIZATION, SHALL CAUSE A DISRUPTION IN HEALTH SERVICES OR SUGGEST A DISRUPTION IN SERVICES BY REQUIRING ANY PATIENT TO USE A SPECIFIC HEALTH CARE PROVIDER. PATIENTS, GUARDIANS OF PATIENTS OR ATTORNEYS OF PATIENTS SHALL HAVE THE SOLE AND EXCLUSIVE RIGHT TO CHOOSE THE PATIENT'S HEALTH CARE PROVIDER.

2. A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION SHALL BE IMPOSED FOR VIOLATIONS OF THIS SECTION.

S 3. 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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