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

1518

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the insurance law, in relation to actions by health care providers against patients

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-c to read as follows:

S 3224-C. ACTIONS BY HEALTH CARE PROVIDERS RELATED TO INSURANCE CLAIMS. IN ANY ACTION BROUGHT BY A HEALTH CARE PROVIDER AGAINST A PATIENT TO RECOVER PAYMENT FOR AN OUTSTANDING BILL, FOR SERVICES RENDERED BY SUCH HEALTH CARE PROVIDER, IT SHALL BE AN AFFIRMATIVE DEFENSE TO SUCH ACTION THAT THE HEALTH CARE PROVIDER FAILED TO SUBMIT THE INSURANCE CLAIM TO THE PATIENT'S INSURER IN A TIMELY MANNER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law, and shall apply to civil actions brought on or after such effective date.

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

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