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

2265

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. GOTTFRIED, GALEF -- Multi-Sponsored by -- M. of A. KELLNER, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to the insured's financial responsibility

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

Section 1. Subdivision 2 of section 4406 of the public health law is amended by adding a new paragraph (j) to read as follows:

(J) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION, THE LIABILITY OF AN ENROLLEE FOR THE HOSPITAL SERVICES PROVIDED BY A GENERAL HOSPITAL CERTIFIED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER WHERE THE GENERAL HOSPITAL IS A PARTICIPATING PROVIDER SHALL BE LIMITED TO THE CO-PAYMENT, DEDUCTIBLE AND COINSURANCE AMOUNTS APPLICABLE TO THE IN-NETWORK HOSPITAL BENEFIT AS SET FORTH IN THE CONTRACT BETWEEN THE HEALTH MAINTENANCE ORGANIZATION AND THE ENROLLEE, REGARDLESS OF WHETHER THE ADMITTING PHYSICIAN OR TREATING PHYSICIAN OF RECORD IS A NON-PARTICIPATING PROVIDER. THE HEALTH MAINTENANCE ORGANIZATION SHALL REIMBURSE THE GENERAL HOSPITAL FOR THE SERVICES PROVIDED BY THE GENERAL HOSPITAL AT THE HEALTH MAINTENANCE ORGANIZATION'S FULL CONTRACTED RATE IN ACCORDANCE WITH THE IN-NETWORK POLICIES AND IN-NETWORK CO-PAYMENT, DEDUCTIBLE OR COINSURANCE REQUIREMENTS OF THE HEALTH MAINTENANCE ORGANIZATION, REGARDLESS OF WHETHER THE ADMITTING PHYSICIAN OR TREATING PHYSICIAN OF RECORD IS A NON-PARTICIPATING PROVIDER.

S 2. The insurance law is amended by adding a new section 4806 to read as follows:

S 4806. REGULATION OF CONTRACTS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION, IF AN INSURER OFFERS A MANAGED CARE PRODUCT THAT PROVIDES FOR BOTH IN-NETWORK AND OUT-OF-NETWORK BENEFITS, THE LIABILITY OF AN INSURED FOR THE HOSPITAL SERVICES PROVIDED BY A GENERAL HOSPITAL CERTIFIED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC

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

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HEALTH LAW WHERE THE GENERAL HOSPITAL IS A MEMBER OF THE INSURER'S IN-NETWORK BENEFITS PORTION OF THE PROVIDER NETWORK SHALL BE LIMITED TO WHAT THE INSURED WOULD OTHERWISE PAY FOR IN-NETWORK HOSPITAL SERVICES, REGARDLESS OR WHETHER THE ADMITTING PHYSICIAN OR TREATING PHYSICIAN OF RECORD IS A MEMBER OF THE INSURER'S IN-NETWORK PORTION OF THE PROVIDER NETWORK. THE INSURER SHALL REIMBURSE THE GENERAL HOSPITAL FOR THE SERVICES PROVIDED BY THE GENERAL HOSPITAL AT THE INSURER'S FULL CONTRACTED RATE IN ACCORDANCE WITH THE IN-NETWORK BENEFITS POLICIES AND IN-NETWORK CO-PAYMENT, DEDUCTIBLE OR COINSURANCE REQUIREMENTS OF THE INSURER, REGARDLESS OF WHETHER THE ADMITTING PHYSICIAN OR TREATING PHYSICIAN OF RECORD IS A NON-PARTICIPATING PROVIDER.

S 3. This act shall take effect on January first next succeeding the date on which it shall have become a law, and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such effective date.