

2571

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. PRETLOW, PHEFFER -- Multi-Sponsored by -- M. of A. AUBRY, CAHILL, CANESTRARI, CLARK, COLTON, COOK, CUSICK, CYMBROWITZ, EDDINGTON, ENGLEBRIGHT, ESPAILLAT, FARRELL, GLICK, GREENE, HIKIND, MAYERSOHN, MCENENY, MILLMAN, NOLAN, ORTIZ, SCARBOROUGH -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to notice by health maintenance organizations that a request for coverage of a particular treatment is denied

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

1 Section 1. The insurance law is amended by adding a new section 2601-a
2 to read as follows:
3 S 2601-A. DENIAL OF COVERAGE OR TREATMENT BY A HEALTH MAINTENANCE
4 ORGANIZATION. WHENEVER A HEALTH MAINTENANCE ORGANIZATION, DOING BUSINESS
5 IN THIS STATE, DENIES A CLAIM FOR COVERAGE OF A PARTICULAR PROCEDURE OR
6 TREATMENT BECAUSE SUCH PROCEDURE OR TREATMENT IS NOT MEDICALLY NECES-
7 SARY, THE HEALTH MAINTENANCE ORGANIZATION SHALL INFORM THE INSURED AS TO
8 THOSE PREFERRED PROCEDURE OR TREATMENT OPTIONS WHICH WOULD BE COVERED,
9 OR PROVIDE THE INSURED WITH A STATEMENT AS TO THE PAST INEFFECTIVENESS
10 OF THE REQUESTED PROCEDURE OR TREATMENT.
11 S 2. This act shall take effect on the thirtieth day after it shall
12 have become a law.

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

LBD02128-02-9