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

3354

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, ESPAILLAT, JOHN, GOTTFRIED, COLTON, CAHILL, BENEDETTO, JAFFEE, EDDINGTON, PHEFFER, WRIGHT, GREENE, CLARK, ORTIZ, GALEF, FIELDS, LATIMER -- Multi-Sponsored by -- M. of A. BRENNAN, DelMONTE, GABRYSZAK, GLICK, GUNTHER, JACOBS, KOON, V. LOPEZ, MARKEY, MAYERSOHN, McENENY, PEOPLES, REILLY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to rates charged by insurance companies

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

Section 1. Section 3216 of the insurance law is amended by adding a new subsection (m) to read as follows:

(M) EVERY POLICY THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL COVERAGE MAY NOT CHARGE AN INSURED AN OUT-OF-NETWORK RATE FOR PHYSICIAN'S SERVICES IF THE PHYSICIAN PARTICIPATES IN THE IN-NETWORK BENEFITS PORTION OF THE INSURER'S NETWORK FOR THE MANAGED CARE PRODUCT, EVEN THOUGH THE HOSPITAL AT WHICH THE SERVICES WERE PROVIDED DOES NOT PARTICIPATE IN THE IN-NETWORK BENEFITS PORTION OF SUCH INSURER'S NETWORK.

S 2. Section 3221 of the insurance law is amended by adding a new subsection (r) to read as follows:

(R) EVERY POLICY THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL COVERAGE MAY NOT CHARGE AN INSURED AN OUT-OF-NETWORK RATE FOR PHYSICIAN'S SERVICES IF THE PHYSICIAN PARTICIPATES IN THE IN-NETWORK BENEFITS PORTION OF THE INSURER'S NETWORK FOR THE MANAGED CARE PRODUCT, EVEN THOUGH THE HOSPITAL AT WHICH THE SERVICES WERE PROVIDED DOES NOT PARTICIPATE IN THE IN-NETWORK BENEFITS PORTION OF SUCH INSURER'S NETWORK.

S 3. Section 4303 of the insurance law is amended by adding a new subsection (ff) to read as follows:

(FF) EVERY POLICY THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL COVERAGE MAY NOT CHARGE AN INSURED AN OUT-OF-NETWORK RATE FOR PHYSICIAN'S SERVICES IF THE PHYSICIAN PARTICIPATES IN THE IN-NETWORK BENEFITS

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

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PORTION OF THE INSURER'S NETWORK FOR THE MANAGED CARE PRODUCT, EVEN THOUGH THE HOSPITAL AT WHICH THE SERVICES WERE PROVIDED DOES NOT PARTICIPATE IN THE IN-NETWORK BENEFITS PORTION OF SUCH INSURER'S NETWORK.

S 4. This act shall take effect immediately.