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

3688

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. BRADLEY, JACOBS, FIELDS, GUNTHER, GALEF, BENEDETTO, CLARK, MAGNARELLI, TITONE, ALESSI, KOON, PHEFFER, LANCMAN -- Multi-Sponsored by -- M. of A. BING, BOYLAND, CHRISTENSEN, COLTON, DelMONTE, GLICK, GOTTFRIED, HYER-SPENCER, JOHN, LATIMER, MAISEL, MAYERSOHN, McENENY, PERRY, SCHIMEL, SWEENEY, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the public health law and the insurance law, in relation to altering the terms of a health care plan

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

Section 1. Section 4406-c of the public health law is amended by adding a new subdivision 5-d to read as follows:

5-D. A PROVIDER OF A HEALTH CARE PLAN MAY NOT DURING THE TERM OF A CONTRACT WITH A HEALTH CARE PROVIDER IMPLEMENT POLICIES AND PROCEDURES THAT RESULT IN A MATERIAL ADVERSE CHANGE TO SUCH HEALTH CARE PROVIDER. FOR THE PURPOSES OF THIS SECTION, A "MATERIAL ADVERSE CHANGE" SHALL MEAN ANY CHANGE IN A HEALTH CARE PLAN'S POLICIES THAT COULD REASONABLY BE EXPECTED TO HAVE A MATERIAL ADVERSE IMPACT ON:

(A) THE LEVEL OF REIMBURSEMENT BY A HEALTH CARE PLAN TO A CONTRACTING HEALTH CARE PROVIDER; OR

(B) THE ADMINISTRATION OF A CONTRACTING HEALTH CARE PROVIDER'S PRACTICE.

S 2. Section 3217-b of the insurance law is amended by adding a new subsection (f-1) to read as follows:

(F-1) AN INSURER MAY NOT DURING THE TERM OF A CONTRACT WITH A HEALTH CARE PROVIDER IMPLEMENT POLICIES AND PROCEDURES THAT RESULT IN A MATERIAL ADVERSE CHANGE TO SUCH HEALTH CARE PROVIDER. FOR THE PURPOSES OF THIS SECTION, A "MATERIAL ADVERSE CHANGE" SHALL MEAN ANY CHANGE IN AN INSURER'S POLICIES THAT COULD REASONABLY BE EXPECTED TO HAVE A MATERIAL ADVERSE IMPACT ON:

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

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(1) THE LEVEL OF REIMBURSEMENT BY AN INSURER TO A CONTRACTING HEALTH CARE PROVIDER; OR

(2) THE ADMINISTRATION OF A CONTRACTING HEALTH CARE PROVIDER'S PRACTICE.

S 3. Section 4325 of the insurance law is amended by adding a new subsection (f-1) to read as follows:

(F-1) AN INSURER MAY NOT DURING THE TERM OF A CONTRACT WITH A HEALTH CARE PROVIDER IMPLEMENT POLICIES AND PROCEDURES THAT RESULT IN A MATERIAL ADVERSE CHANGE TO SUCH HEALTH CARE PROFESSIONAL. FOR THE PURPOSES OF THIS SECTION, A "MATERIAL ADVERSE CHANGE" SHALL MEAN ANY CHANGE IN AN INSURER'S POLICIES THAT COULD REASONABLY BE EXPECTED TO HAVE A MATERIAL ADVERSE IMPACT ON:

(1) THE LEVEL OF REIMBURSEMENT BY AN INSURER TO A CONTRACTING HEALTH CARE PROVIDER; OR

(2) THE ADMINISTRATION OF A CONTRACTING HEALTH CARE PROVIDER'S PRACTICE.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.