

5090

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the insurance law, in relation to health insurance coverage and eligibility for employee benefits provided by employee welfare funds for laboratory services

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) NO SUCH POLICY SHALL LIMIT BENEFITS OR DENY REIMBURSEMENT FOR
4 BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORATORY PROVIDING SUCH
5 BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR APPROVED. IF THE INSURED,
6 HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF
7 THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY
8 SERVICES TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED
9 UNDER THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH
10 POLICY. NO SUCH POLICY SHALL PROHIBIT A DULY REGISTERED LABORATORY FROM
11 PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH
12 SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR
13 SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH POLICY.
14 S 2. Subsection (e) of section 3221 of the insurance law is amended by
15 adding a new paragraph 12 to read as follows:
16 (12) NO SUCH GROUP OR BLANKET POLICY SHALL LIMIT BENEFITS OR DENY
17 REIMBURSEMENT FOR BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORA-
18 TORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR
19 APPROVED BY THE GROUP OR BLANKET POLICY. IF THE INSURED, HIS OR HER
20 DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF THEIR OWN
21 CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY SERVICES TO
22 THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER THE GROUP
23 OR BLANKET POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH
24 GROUP OR BLANKET POLICY. NO SUCH GROUP OR BLANKET POLICY SHALL PROHIBIT

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

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1 A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH
2 LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE WITH THE MINI-
3 MUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTAB-
4 LISHED BY SUCH GROUP OR BLANKET POLICY.

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

7 (FF) NO SUCH POLICY ISSUED BY A THIRD PARTY BENEFIT PROGRAM SHALL
8 LIMIT BENEFITS OR DENY REIMBURSEMENT FOR SERVICES TO ANY INSURED ON THE
9 BASIS THAT THE LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIF-
10 ICALLY SELECTED OR APPROVED BY THE THIRD PARTY BENEFIT PROGRAM. IF THE
11 INSURED, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATO-
12 RY OF THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH TREAT-
13 MENT TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER
14 THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH POLI-
15 CY. NO SUCH THIRD PARTY BENEFIT PROGRAM SHALL PROHIBIT A DULY REGISTERED
16 LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO
17 PROVIDE SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS
18 FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH THIRD PARTY
19 BENEFIT PROGRAM.

20 S 4. Subsection (b) of section 4402 of the insurance law is amended to
21 read as follows:

22 (b) "Employee benefits" means one or more benefits or services for
23 employees or their families or dependents, or for both, including, but
24 not limited to, medical, surgical or hospital care or benefits PROVIDED
25 BY OR PERFORMED BY ANY LABORATORY, benefits in the event of sickness,
26 accident, disability or death, benefits in the event of unemployment, or
27 retirement benefits.

28 S 5. Subsection (b) of section 4413 of the insurance law is amended by
29 adding a new paragraph 1-a to read as follows:

30 (1-A) NO SUCH FUND SHALL LIMIT EMPLOYEE BENEFITS OR DENY REIMBURSEMENT
31 FOR EMPLOYEE BENEFITS TO ANY ELIGIBLE EMPLOYEE ON THE BASIS THAT THE
32 LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR
33 APPROVED BY THE WELFARE FUND, THE EMPLOYER OR THE LABOR ORGANIZATION
34 REPRESENTING THE EMPLOYEES ELIGIBLE FOR SUCH EMPLOYEE BENEFITS. IF THE
35 ELIGIBLE EMPLOYEE, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A
36 LABORATORY OF THEIR OWN CHOOSING, SUCH EMPLOYEE SHALL PAY THE COST OF
37 SUCH TREATMENT TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS
38 PROVIDED UNDER THE PLAN WITHOUT FORFEITURE OF THE BENEFITS PROVIDED
39 UNDER SUCH PLAN. NO SUCH FUND, EMPLOYER OR LABOR ORGANIZATION SHALL
40 PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING EMPLOYEE BENEFITS,
41 PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE
42 WITH THE MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT
43 HAVE BEEN ESTABLISHED BY SUCH FUND, EMPLOYER OR LABOR ORGANIZATION.

44 S 6. Subsection (b) of section 4301 of the insurance law is amended by
45 adding a new paragraph 4 to read as follows:

46 (4) IF A CONTRACT ISSUED BY A THIRD PARTY BENEFIT PROGRAM PROVIDES
47 BENEFITS FOR LABORATORY SERVICES, ANY LABORATORY WILLING TO PARTICIPATE
48 UNDER THE TERMS OF THE CONTRACT SHALL NOT BE DENIED ACCESS TO THE
49 PROVIDER PANEL.

50 S 7. This act shall take effect on the first of January next succeed-
51 ing the date on which it shall have become a law and shall apply to all
52 policies and contracts issued, renewed, modified, altered or amended on
53 or after such effective date.