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

S. 3180 A. 6741

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

March 12, 2009

IN SENATE -- Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. BRADLEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the reimbursement of out-of-network providers of clinical laboratory services by organizations providing or offering comprehensive health services plans

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

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

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN ENROLLEE IS REFERRED BY AN IN-PLAN PROVIDER TO A PROVIDER OF CLINICAL LABORATORY SERVICES NOT PARTICIPATING IN THE PLAN (A "NON-PARTICIPATING PROVIDER"), ANY SERVICE THAT WOULD OTHERWISE BE COVERED AS AN IN-PLAN SERVICE UNDER THE PLAN THAT IS PROVIDED BY THE NON-PARTICIPATING PROVIDER SHALL BE COVERED AS AN IN-PLAN SERVICE, AND THE ORGANIZATION SHALL BE RESPONSIBLE FOR PAYMENT TO THE NON-PARTICIPATING PROVIDER FOR THOSE SERVICES, PROVIDED HOWEVER, THAT THE AMOUNT OF ANY SUCH PAYMENT IS NOT REQUIRED TO EXCEED THAT FOR WHICH THE ORGANIZATION WOULD HAVE BEEN RESPONSIBLE HAD THE REFERRAL BEEN TO AN IN-PLAN PROVIDER OF CLINICAL LABORATORY SERVICES, AND THE ENROLLEE SHALL BE RESPONSIBLE FOR ANY APPLICABLE IN-PLAN COPAY, COINSURANCE OR DEDUCTIBLE FOR SUCH SERVICES. CLINICAL LABORATORIES SEEKING REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR SERVICES RENDERED SHALL SEEK PAYMENT DIRECTLY FROM THE ORGANIZATION WHOSE ENROLLEE RECEIVED THE SERVICES WITHOUT SEEKING PAYMENT FROM THE ENROLLEE. ANY PAYMENT MADE BY AN ORGANIZATION DIRECTLY TO THE ENROLLEE RATHER THAN TO THE CLINICAL LABORATORY SEEKING REIMBURSEMENT SHALL NOT SATISFY THE ORGANIZATION'S PAYMENT OBLIGATION TO THE CLINICAL LABORATORY.

S 2. This act shall take effect immediately.

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

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