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

S. 3180--B A. 6741--B
Cal. No. 577

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. BRADLEY, GUNTHER, GALEF, LANCMAN, BING, GOTTFRIED, DenDEKKER, ZEBROWSKI, COLTON, ESPAILLAT, JAFFEE, SPANO, SCHIMEL, FIELDS -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, EDDINGTON, HIKIND, HYER-SPENCER, LUPARDO, MAYERSOHN, McENENY, PHEFFER, REILLY, SWEENEY, TITONE, WEISENBERG -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law and the insurance 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, AND THE ORGANIZATION SHALL BE RESPONSIBLE FOR PAYMENT DIRECTLY

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

LBD09070-04-9

TO THE NON-PARTICIPATING PROVIDER FOR THOSE SERVICES IN ACCORDANCE WITH THE TIME FRAME FOR SUCH PAYMENTS SET FORTH IN SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSURANCE LAW; PROVIDED, HOWEVER, THAT THE ENROLLEE SHALL BE RESPONSIBLE FOR ANY APPLICABLE COPAY, COINSURANCE OR DEDUCTIBLE FOR SUCH SERVICES. CLINICAL LABORATORIES SEEKING REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR SERVICES RENDERED SHALL DIRECTLY BILL THE ORGANIZATION WHOSE ENROLLEE RECEIVED THE SERVICES. 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. Section 4804 of the insurance law is amended by adding a new subsection (g) to read as follows:

(G) 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, AND THE ORGANIZATION SHALL BE RESPONSIBLE FOR PAYMENT DIRECTLY TO THE NON-PARTICIPATING PROVIDER FOR THOSE SERVICES IN ACCORDANCE WITH THE TIME FRAME FOR SUCH PAYMENTS SET FORTH IN SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE ENROLLEE SHALL BE RESPONSIBLE FOR ANY APPLICABLE COPAY, COINSURANCE OR DEDUCTIBLE FOR SUCH SERVICES. CLINICAL LABORATORIES SEEKING REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR SERVICES RENDERED SHALL DIRECTLY BILL THE ORGANIZATION WHOSE ENROLLEE RECEIVED THE SERVICES. 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 3. This act shall take effect immediately.