

9002

2009-2010 Regular Sessions

I N A S S E M B L Y

June 18, 2009

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

AN ACT to amend the public health law and the insurance law, in relation
to rates of payment for hospital and health-related services by health
maintenance organizations

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

1 Section 1. Subdivision 2 of section 2807 of the public health law is
2 amended by adding a new paragraph (i) to read as follows:
3 (I) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR ESTABLISHED
4 RATES OF PAYMENT, RATES OF PAYMENTS FOR HOSPITAL AND HEALTH-RELATED
5 SERVICES BY CORPORATIONS ORGANIZED AND OPERATING IN ACCORDANCE WITH THE
6 PROVISIONS OF ARTICLE FORTY-FOUR OF THIS CHAPTER OR ARTICLE FORTY-THREE
7 OF THE INSURANCE LAW SHALL BE NO LESS THAN CURRENT MEDICARE REIMBURSE-
8 MENT RATES FOR HOSPITAL AND HEALTH-RELATED SERVICES.
9 S 2. Section 2807-f of the public health law is amended by adding a
10 new subdivision 8 to read as follows:
11 8. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR ESTABLISHED
12 RATES OF PAYMENT, RATES OF PAYMENTS FOR HOSPITAL AND HEALTH-RELATED
13 SERVICES BY CORPORATIONS ORGANIZED AND OPERATING IN ACCORDANCE WITH THE
14 PROVISIONS OF ARTICLE FORTY-FOUR OF THIS CHAPTER OR ARTICLE FORTY-THREE
15 OF THE INSURANCE LAW SHALL BE NO LESS THAN CURRENT MEDICARE REIMBURSE-
16 MENT RATES FOR HOSPITAL AND HEALTH-RELATED SERVICES.
17 S 3. Section 4406 of the public health law is amended by adding a new
18 subdivision 5 to read as follows:
19 5. ALL CONTRACTS BETWEEN A HEALTH MAINTENANCE ORGANIZATION AND AN
20 ENROLLEE SHALL PROVIDE REIMBURSEMENT FOR HOSPITAL AND HEALTH-RELATED
21 SERVICES RENDERED AT A RATE NO LESS THAN CURRENT MEDICARE REIMBURSEMENT
22 RATES FOR HOSPITAL AND HEALTH-RELATED SERVICES.
23 S 4. Section 4306 of the insurance law is amended by adding a new
24 closing paragraph to read as follows:

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

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1 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ALL CONTRACTS
2 BETWEEN A HEALTH MAINTENANCE ORGANIZATION ORGANIZED UNDER THIS ARTICLE
3 AND AN ENROLLEE SHALL PROVIDE REIMBURSEMENT FOR HOSPITAL AND HEALTH-RE-
4 LATED SERVICES RENDERED AT A RATE NO LESS THAN CURRENT MEDICARE
5 REIMBURSEMENT RATES FOR HOSPITAL AND HEALTH-RELATED SERVICES.

6 S 5. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after January 1, 2009.