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

1053

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sens. MAZIARZ, FLANAGAN, GOLDEN, VOLKER -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 26 to read as follows:

(26) NO SUCH POLICY SHALL LIMIT BENEFITS OR DENY REIMBURSEMENT FOR BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR APPROVED. IF THE INSURED, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY SERVICES TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH POLICY. NO SUCH POLICY SHALL PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH POLICY.

S 2. Subsection (e) of section 3221 of the insurance law is amended by adding a new paragraph 12 to read as follows:

(12) NO SUCH GROUP OR BLANKET POLICY SHALL LIMIT BENEFITS OR DENY REIMBURSEMENT FOR BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR APPROVED BY THE GROUP OR BLANKET POLICY. IF THE INSURED, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY SERVICES TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER THE GROUP OR BLANKET POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH

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

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GROUP OR BLANKET POLICY. NO SUCH GROUP OR BLANKET POLICY SHALL PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH GROUP OR BLANKET POLICY.

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

(FF) NO SUCH POLICY ISSUED BY A THIRD PARTY BENEFIT PROGRAM SHALL LIMIT BENEFITS OR DENY REIMBURSEMENT FOR SERVICES TO ANY INSURED ON THE BASIS THAT THE LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR APPROVED BY THE THIRD PARTY BENEFIT PROGRAM. IF THE INSURED, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH TREATMENT TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH POLICY. NO SUCH THIRD PARTY BENEFIT PROGRAM SHALL PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH THIRD PARTY BENEFIT PROGRAM.

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

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

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

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

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

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

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