

3450

2009-2010 Regular Sessions

I N   S E N A T E

March 19, 2009

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

AN ACT to amend the public health law and the insurance law, in relation  
to the definition of clinical peer reviewer

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 4900 of the public health law, as  
2     amended by chapter 586 of the laws of 1998, is amended to read as  
3     follows:  
4     2. "Clinical peer reviewer" means:  
5     (a) [for purposes of title one of this article:  
6     (i) a physician who possesses a current and valid non-restricted  
7     license to practice medicine; or  
8     (ii) a health care professional other than a licensed physician who:  
9     (A) where applicable, possesses a current and valid non-restricted  
10    license, certificate or registration or, where no provision for a  
11    license, certificate or registration exists, is credentialed by the  
12    national accrediting body appropriate to the profession; and  
13    (B) is in the same profession and same or similar specialty as the  
14    health care provider who typically manages the medical condition or  
15    disease or provides the health care service or treatment under review;  
16    and  
17    (b) for purposes of title two of this article:  
18    (i)] a physician who:  
19    [(A)] (I) possesses a current and valid non-restricted license to  
20    practice medicine;  
21    [(B)] (II) where applicable, is board certified or board eligible in  
22    the same or similar specialty as the health care provider who typically  
23    manages the medical condition or disease or provides the health care  
24    service or treatment under REVIEW OR appeal;

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

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1 [(C)] (III) has been practicing in such area of specialty for a period  
2 of at least five years; and  
3 [(D)] (IV) is knowledgeable about the health care service or treatment  
4 under REVIEW OR appeal; or  
5 [(ii)] (B) a health care professional other than a licensed physician  
6 who:  
7 [(A)] (I) where applicable, possesses a current and valid non-res-  
8 tricted license, certificate or registration;  
9 [(B)] (II) where applicable, is credentialed by the national accredit-  
10 ing body appropriate to the profession in the same profession and same  
11 or similar specialty as the health care provider who typically manages  
12 the medical condition or disease or provides the health care service or  
13 treatment under REVIEW OR appeal;  
14 [(C)] (III) has been practicing in such area of specialty for a period  
15 of at least five years;  
16 [(D)] (IV) is knowledgeable about the health care service or treatment  
17 under REVIEW OR appeal; and  
18 [(E)] (V) where applicable to such health care professional's scope of  
19 practice, is clinically supported by a physician who possesses a current  
20 and valid non-restricted license to practice medicine.  
21 [(c)] Nothing [herein] IN THIS SUBDIVISION shall be construed to  
22 change any statutorily-defined scope of practice.  
23 S. 2. Subsection (b) of section 4900 of the insurance law, as amended  
24 by chapter 586 of the laws of 1998, is amended to read as follows:  
25 (b) "Clinical peer reviewer" means:  
26 (1) [for purposes of title one of this article:  
27 (A) a physician who possesses a current and valid non-restricted  
28 license to practice medicine; or  
29 (B) a health care professional other than a licensed physician who:  
30 (i) where applicable, possesses a current and valid non-restricted  
31 license, certificate or registration or, where no provision for a  
32 license, certificate or registration exists, is credentialed by the  
33 national accrediting body appropriate to the profession; and  
34 (ii) is in the same profession and same or similar specialty as the  
35 health care provider who typically manages the medical condition or  
36 disease or provides the health care service or treatment under review;  
37 and  
38 (2) for purposes of title two of this article:  
39 (A) a physician who:  
40 [(i)] (A) possesses a current and valid non-restricted license to  
41 practice medicine;  
42 [(ii)] (B) where applicable, is board certified or board eligible in  
43 the same or similar specialty as the health care provider who typically  
44 manages the medical condition or disease or provides the health care  
45 service or treatment under REVIEW OR appeal;  
46 [(iii)] (C) has been practicing in such area of specialty for a period  
47 of at least five years; and  
48 [(iv)] (D) is knowledgeable about the health care service or treatment  
49 under REVIEW OR appeal; or  
50 [(B)] (2) a health care professional other than a licensed physician  
51 who:  
52 [(i)] (A) where applicable, possesses a current and valid non-res-  
53 tricted license, certificate or registration;  
54 [(ii)] (B) where applicable, is credentialed by the national accredit-  
55 ing body appropriate to the profession in the same profession and same  
56 or similar specialty as the health care provider who typically manages

1 the medical condition or disease or provides the health care service or  
2 treatment under REVIEW OR appeal;  
3 [(iii)] (C) has been practicing in such area of specialty for a period  
4 of at least five years;  
5 [(iv)] (D) is knowledgeable about the health care service or treatment  
6 under REVIEW OR appeal; and  
7 [(v)] (E) where applicable to such health care professional's scope of  
8 practice, is clinically supported by a physician who possesses a current  
9 and valid non-restricted license to practice medicine.  
10 [(3)] Nothing [herein] IN THIS SUBSECTION shall be construed to change  
11 any statutorily-defined scope of practice.  
12 S 3. This act shall take effect on the ninetieth day after it shall  
13 have become a law.