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

4464

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. BRESLIN -- 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 requiring health care insurers to pay for ambulance services performed by non-preferred providers

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

Section 1. The insurance law is amended by adding a new section 3224-c to read as follows:

S 3224-C. HEALTH BENEFIT PLANS PROVIDING INCENTIVES TO USE SERVICES OF PREFERRED PROVIDERS; MINIMUM REQUIREMENTS. (A) HEALTH CARE INSURERS MAY ISSUE HEALTH BENEFIT PLANS WHICH PROVIDE FOR INCENTIVES FOR COVERED PERSONS TO USE THE AMBULANCE SERVICES OF PREFERRED PROVIDERS. SUCH POLICIES OR SUBSCRIBER CERTIFICATES SHALL CONTAIN AT LEAST THE FOLLOWING PROVISIONS:

(1) A PROVISION THAT IF A COVERED PERSON RECEIVES EMERGENCY CARE FROM AMBULANCE SERVICE PROVIDERS LICENSED UNDER ARTICLE THIRTY OF THE PUBLIC HEALTH LAW, FOR SERVICES SPECIFIED IN THE PREFERRED PROVIDER ARRANGEMENT AND CANNOT REASONABLY REACH A PREFERRED PROVIDER, THAT EMERGENCY CARE RENDERED DURING THE COURSE OF THE EMERGENCY WILL BE PAID FOR IN ACCORDANCE WITH THE TERMS OF THE AMBULANCE SERVICE PROVIDER, BASED ON THE USUAL AND CUSTOMARY CHARGES, WHICH SHALL NOT BE EXCESSIVE OR UNREASONABLE FOR THE APPLICABLE TREATMENT, IN THE AREA WHERE THE TREATMENT IS PROVIDED; AND

(2) A PROVISION WHICH CLEARLY IDENTIFIES THE DIFFERENCES IN BENEFIT LEVELS FOR AMBULANCE SERVICES OF PREFERRED PROVIDERS AND BENEFIT LEVELS FOR AMBULANCE SERVICES OF NONPREFERRED PROVIDERS.

(B) FOR PURPOSES OF THIS SECTION, WHEN A REQUEST FOR EMERGENCY CARE IS MADE THROUGH THE EMERGENCY 911 SYSTEM ON BEHALF OF A COVERED PERSON AND THE NON-AIRBORNE TRANSPORTATION THAT WAS DISPATCHED IN RESPONSE TO THE REQUEST IS NOT A PREFERRED PROVIDER, FOR PURPOSES OF PAYMENT UNDER PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION, IT SHALL BE PRESUMED THAT THE COVERED PERSON COULD NOT REASONABLY REACH A PREFERRED PROVIDER.

S 2. This act shall take effect immediately.

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

LBD10550-02-9