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

2571

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. PRETLOW, PHEFFER -- Multi-Sponsored by -- M. of A. AUBRY, CAHILL, CANESTRARI, CLARK, COLTON, COOK, CUSICK, CYMBROWITZ, EDDINGTON, ENGLEBRIGHT, ESPAILLAT, FARRELL, GLICK, GREENE, HIKIND, MAYERSOHN, McENENY, MILLMAN, NOLAN, ORTIZ, SCARBOROUGH -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to notice by health maintenance organizations that a request for coverage of a particular treatment is denied

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 2601-a to read as follows:

S 2601-A. DENIAL OF COVERAGE OR TREATMENT BY A HEALTH MAINTENANCE ORGANIZATION. WHENEVER A HEALTH MAINTENANCE ORGANIZATION, DOING BUSINESS IN THIS STATE, DENIES A CLAIM FOR COVERAGE OF A PARTICULAR PROCEDURE OR TREATMENT BECAUSE SUCH PROCEDURE OR TREATMENT IS NOT MEDICALLY NECESSARY, THE HEALTH MAINTENANCE ORGANIZATION SHALL INFORM THE INSURED AS TO THOSE PREFERRED PROCEDURE OR TREATMENT OPTIONS WHICH WOULD BE COVERED, OR PROVIDE THE INSURED WITH A STATEMENT AS TO THE PAST INEFFECTIVENESS OF THE REQUESTED PROCEDURE OR TREATMENT.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD02128-02-9