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

3519

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. COLTON, COOK, ENGLEBRIGHT, ESPAILLAT, GREENE, HOOPER, KOON, MENG, PHEFFER, SWEENEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to authorizing hospitals to file an assigned claim for hospital expenses of sexual assault victims directly with the crime victims board with protections

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

Section 1. Subdivision 1 of section 625 of the executive law, as amended by chapter 115 of the laws of 1981, is amended to read as follows:

1. A claim may be filed by a person eligible to receive an award, as provided in section six hundred twenty-four of this article, or, if such person is under the age of eighteen years, an incompetent, or a conservatee, by his relative, guardian, committee, conservator, or attorney. A CLAIM MAY BE FILED BY A GENERAL HOSPITAL AND SUCH CLAIM MAY BE PAID DIRECTLY TO THE GENERAL HOSPITAL FOR THE PORTION OF A CRIME VICTIMS BOARD AWARD ATTRIBUTABLE TO HOSPITAL CARE EXPENSES INCURRED BY A SEXUAL ASSAULT CRIME VICTIM WHO HAS ASSIGNED THE PROCEEDS OF SUCH PORTION OF HIS OR HER AWARD TO THE GENERAL HOSPITAL. IN THE EVENT A GENERAL HOSPITAL FILES AND RECEIVES PAYMENT OF SUCH A CLAIM, IT SHALL NOT BILL THE VICTIM FOR THE AMOUNT IT HAS BEEN PAID. THE PAYMENT TO A GENERAL HOSPITAL OF AN ASSIGNED SEXUAL ASSAULT CRIME VICTIM'S AWARD AS HEREIN AUTHORIZED SHALL NOT BE CONSIDERED A COLLATERAL SOURCE PAYMENT AND SHALL NOT RELIEVE ANY INSURER OF ANY CONTRACTUAL OR INSURANCE OBLIGATION IT HAS TO PAY SUCH EXPENSES. IF SUCH OBLIGATION EXISTS AND IF PAYMENT HAS ALREADY BEEN MADE TO THE GENERAL HOSPITAL BY THE CRIME VICTIMS BOARD, THE INSURER SHALL MAKE PAYMENT DIRECTLY TO THE SEXUAL ASSAULT CRIME VICTIM IN THE AMOUNT OF ITS OBLIGATION INSTEAD OF TO THE GENERAL HOSPITAL.

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

LBD01698-01-9

S 2. Subdivision 2 of section 625 of the executive law, as amended by chapter 359 of the laws of 2001, is amended to read as follows:

2. A claim must be filed [by the claimant] not later than one year after the occurrence or discovery of the crime upon which such claim is based, one year after a court finds a lawsuit to be frivolous, or not later than one year after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing. The board shall extend the time for filing [where the claimant received no] CLAIMS WHEN THERE IS A LACK OF notice pursuant to section six hundred twenty-five-a of this article and [had no] A LACK OF knowledge of eligibility pursuant to section six hundred twenty-four of this article.

S 3. This act shall take effect immediately.