

4415

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 4, 2009

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Introduced by M. of A. TOWNS, ALFANO -- Multi-Sponsored by -- M. of A.  
COOK -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to physician charges  
for missed appointments by patients

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

1     Section 1. The public health law is amended by adding a new section  
2     19-a to read as follows:  
3     S 19-A. PHYSICIAN CHARGES FOR MISSED APPOINTMENTS OF PATIENTS; LIMITA-  
4     TION AND DISCLOSURE. 1. NO PHYSICIAN LICENSED UNDER ARTICLE ONE HUNDRED  
5     THIRTY-ONE OF THE EDUCATION LAW SHALL CHARGE ANY PATIENT A FEE OR OTHER  
6     CHARGE FOR FAILING TO APPEAR AT THE APPOINTED TIME OF A SCHEDULED  
7     APPOINTMENT WHERE THE PHYSICIAN'S OFFICE HAS RECEIVED NOTICE OF A  
8     CANCELLATION OR A CHANGE OF THE APPOINTMENT AT LEAST ONE HOUR IN ADVANCE  
9     OF THE SCHEDULED APPOINTMENT.  
10    2. IN ANY CASE WHERE A PHYSICIAN'S POLICY IS TO CHARGE A FEE FOR  
11    MISSED PATIENT APPOINTMENTS, ADVANCE WRITTEN NOTICE OF THE TERMS OF SUCH  
12    POLICY SHALL BE PROMINENTLY POSTED IN THE PATIENT WAITING ROOM OF THE  
13    PHYSICIAN'S OFFICE AND PERIODICALLY INCLUDED WITH BILLS MAILED TO  
14    PATIENTS. NO FEE FOR MISSED PATIENT APPOINTMENTS MAY BE CHARGED IN THE  
15    ABSENCE OF SUCH ADVANCE WRITTEN NOTICE BEING GIVEN TO THE PATIENT.  
16    3. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO AUTHORIZE A PHYSI-  
17    CIAN TO CHARGE A FEE FOR MISSED PATIENT APPOINTMENTS IF SUCH CHARGE IS  
18    OTHERWISE PROHIBITED BY LAW, REGULATION, RULE OR PRACTICE OR DEEMED TO  
19    BE UNETHICAL.  
20    4. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, A  
21    PHYSICIAN WHO IS DETERMINED, AFTER OPPORTUNITY FOR A HEARING, TO HAVE  
22    VIOLATED THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT FOR THE FIRST  
23    VIOLATION TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS NOR LESS THAN  
24    THE GREATER OF THREE TIMES THE AMOUNT COLLECTED, OR, IF NOT COLLECTED,  
25    THREE TIMES THE AMOUNT CHARGED, IN CONTRAVENTION TO ANY PROHIBITION SET

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

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1 FORTH IN THIS SECTION, AND, FOR EACH ADDITIONAL VIOLATION COMMITTED  
2 WITHIN FIVE YEARS OF THE DATE OF AN IMMEDIATELY PRECEDING VIOLATION OF  
3 THIS SECTION, TO A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS NOR LESS  
4 THAN THE GREATER OF ONE THOUSAND DOLLARS OR THREE TIMES THE AMOUNT  
5 COLLECTED, OR, IF NOT COLLECTED, THREE TIMES THE AMOUNT CHARGED, IN  
6 CONTRAVENTION TO ANY PROHIBITION SET FORTH IN THIS SECTION; PROVIDED,  
7 HOWEVER, THAT IN NO EVENT SHALL THE FINE FOR AN INDIVIDUAL VIOLATION OF  
8 THIS SECTION BE GREATER THAN FIVE THOUSAND DOLLARS. IN ADDITION, WHERE  
9 THE PROVISIONS OF THIS SECTION HAVE BEEN VIOLATED, THE PHYSICIAN SHALL  
10 REFUND TO THE PATIENT THE AMOUNT COLLECTED AS A FEE FOR A MISSED PATIENT  
11 APPOINTMENT.

12 S 2. This act shall take effect on the first of the calendar month  
13 next succeeding the sixtieth day after it shall have become a law and  
14 shall apply to all appointments scheduled to occur on or after its  
15 effective date no matter when made.