

5090

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 10, 2009

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Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to health insurance coverage and eligibility for employee benefits provided by employee welfare funds for laboratory services

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

1     Section 1. Subsection (i) of section 3216 of the insurance law is  
2     amended by adding a new paragraph 26 to read as follows:  
3     (26) NO SUCH POLICY SHALL LIMIT BENEFITS OR DENY REIMBURSEMENT FOR  
4     BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORATORY PROVIDING SUCH  
5     BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR APPROVED. IF THE INSURED,  
6     HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF  
7     THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY  
8     SERVICES TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED  
9     UNDER THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH  
10    POLICY. NO SUCH POLICY SHALL PROHIBIT A DULY REGISTERED LABORATORY FROM  
11    PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH  
12    SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR  
13    SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH POLICY.  
14    S 2. Subsection (e) of section 3221 of the insurance law is amended by  
15    adding a new paragraph 12 to read as follows:  
16    (12) NO SUCH GROUP OR BLANKET POLICY SHALL LIMIT BENEFITS OR DENY  
17    REIMBURSEMENT FOR BENEFITS TO ANY INSURED ON THE BASIS THAT THE LABORA-  
18    TORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR  
19    APPROVED BY THE GROUP OR BLANKET POLICY. IF THE INSURED, HIS OR HER  
20    DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATORY OF THEIR OWN  
21    CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH LABORATORY SERVICES TO  
22    THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER THE GROUP  
23    OR BLANKET POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH  
24    GROUP OR BLANKET POLICY. NO SUCH GROUP OR BLANKET POLICY SHALL PROHIBIT

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

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1 A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH  
2 LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE WITH THE MINI-  
3 MUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTAB-  
4 LISHED BY SUCH GROUP OR BLANKET POLICY.

5 S 3. Section 4303 of the insurance law is amended by adding a new  
6 subsection (ff) to read as follows:

7 (FF) NO SUCH POLICY ISSUED BY A THIRD PARTY BENEFIT PROGRAM SHALL  
8 LIMIT BENEFITS OR DENY REIMBURSEMENT FOR SERVICES TO ANY INSURED ON THE  
9 BASIS THAT THE LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIF-  
10 ICALLY SELECTED OR APPROVED BY THE THIRD PARTY BENEFIT PROGRAM. IF THE  
11 INSURED, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A LABORATO-  
12 RY OF THEIR OWN CHOOSING, SUCH INSURED SHALL PAY THE COST OF SUCH TREAT-  
13 MENT TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS PROVIDED UNDER  
14 THE POLICY WITHOUT FORFEITURE OF THE BENEFITS PROVIDED UNDER SUCH POLI-  
15 CY. NO SUCH THIRD PARTY BENEFIT PROGRAM SHALL PROHIBIT A DULY REGISTERED  
16 LABORATORY FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO  
17 PROVIDE SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS  
18 FOR SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH THIRD PARTY  
19 BENEFIT PROGRAM.

20 S 4. Subsection (b) of section 4402 of the insurance law is amended to  
21 read as follows:

22 (b) "Employee benefits" means one or more benefits or services for  
23 employees or their families or dependents, or for both, including, but  
24 not limited to, medical, surgical or hospital care or benefits PROVIDED  
25 BY OR PERFORMED BY ANY LABORATORY, benefits in the event of sickness,  
26 accident, disability or death, benefits in the event of unemployment, or  
27 retirement benefits.

28 S 5. Subsection (b) of section 4413 of the insurance law is amended by  
29 adding a new paragraph 1-a to read as follows:

30 (1-A) NO SUCH FUND SHALL LIMIT EMPLOYEE BENEFITS OR DENY REIMBURSEMENT  
31 FOR EMPLOYEE BENEFITS TO ANY ELIGIBLE EMPLOYEE ON THE BASIS THAT THE  
32 LABORATORY PROVIDING SUCH BENEFITS HAS NOT BEEN SPECIFICALLY SELECTED OR  
33 APPROVED BY THE WELFARE FUND, THE EMPLOYER OR THE LABOR ORGANIZATION  
34 REPRESENTING THE EMPLOYEES ELIGIBLE FOR SUCH EMPLOYEE BENEFITS. IF THE  
35 ELIGIBLE EMPLOYEE, HIS OR HER DEPENDENTS OR BOTH RECEIVE SERVICES FROM A  
36 LABORATORY OF THEIR OWN CHOOSING, SUCH EMPLOYEE SHALL PAY THE COST OF  
37 SUCH TREATMENT TO THE EXTENT THAT SUCH COST EXCEEDS THE BENEFITS  
38 PROVIDED UNDER THE PLAN WITHOUT FORFEITURE OF THE BENEFITS PROVIDED  
39 UNDER SUCH PLAN. NO SUCH FUND, EMPLOYER OR LABOR ORGANIZATION SHALL  
40 PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING EMPLOYEE BENEFITS,  
41 PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE  
42 WITH THE MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT  
43 HAVE BEEN ESTABLISHED BY SUCH FUND, EMPLOYER OR LABOR ORGANIZATION.

44 S 6. Subsection (b) of section 4301 of the insurance law is amended by  
45 adding a new paragraph 4 to read as follows:

46 (4) IF A CONTRACT ISSUED BY A THIRD PARTY BENEFIT PROGRAM PROVIDES  
47 BENEFITS FOR LABORATORY SERVICES, ANY LABORATORY WILLING TO PARTICIPATE  
48 UNDER THE TERMS OF THE CONTRACT SHALL NOT BE DENIED ACCESS TO THE  
49 PROVIDER PANEL.

50 S 7. This act shall take effect on the first of January next succeed-  
51 ing the date on which it shall have become a law and shall apply to all  
52 policies and contracts issued, renewed, modified, altered or amended on  
53 or after such effective date.