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

198

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to charges for certain services rendered by a physician

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

Section 1. The general business law is amended by adding a new section 338 to read as follows:

S 338. PHYSICIAN SERVICES; CERTAIN CHARGES PROHIBITED. 1. EXCEPT FOR THOSE SERVICES SPECIFICALLY EXCLUDED IN AN ADVERTISEMENT OFFERING FREE SERVICES OR A MEDICAL EMERGENCY, A PHYSICIAN SHALL NOT CHARGE FOR ANY SERVICE RENDERED DURING A PERIOD OF SEVENTY-TWO HOURS FROM THE TIME SUCH FREE SERVICE WAS RENDERED. IF SUCH FREE SERVICE DOES NOT APPLY TO ALL SERVICES TO BE RENDERED THE ADVERTISEMENT SHALL SPECIFY ANY ASSOCIATED OR REASONABLY ANTICIPATED SERVICES WHICH ARE NOT INCLUDED. IN CASES WHERE A MEDICAL EMERGENCY IS IDENTIFIED, THE PHYSICIAN SHALL INFORM THE PATIENT OF SERVICES WHICH MAY BE RENDERED AND ANY RELEVANT CHARGE FOR THOSE SERVICES.

2. IF A PHYSICIAN CHARGES A PATIENT FOR OTHER SERVICES, THE PHYSICIAN SHALL UPON REQUEST PRODUCE EVIDENCE SUCH OTHER SERVICES WERE PERFORMED AT LEAST SEVENTY-TWO HOURS AFTER THE FREE SERVICE WAS RENDERED OR WERE A MEDICAL EMERGENCY.

3. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. THE TERM "ADVERTISEMENT" SHALL MEAN ANY ATTEMPT TO DIRECTLY OR INDIRECTLY BY PUBLICATION, DISSEMINATION, OR CIRCULATION IN PRINT OR ELECTRONIC MEDIA WHICH DIRECTLY OR INDIRECTLY INDUCES OR ATTEMPTS TO INDUCE ANY PERSON OR ENTITY TO PURCHASE OR ENTER INTO AN AGREEMENT TO PURCHASE SERVICES, TREATMENT, OR GOODS RELATED THERETO FROM A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE.

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

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B. THE TERM "PRINT MEDIA" SHALL INCLUDE NEWSPAPERS, MAGAZINES, PERIODICALS, PROFESSIONAL JOURNALS, TELEPHONE DIRECTORIES, CIRCULARS, HANDBILLS, FLYERS, BILLBOARDS, SIGNS, MATCHCOVERS AND OTHER SIMILAR ITEMS, DOCUMENTS OR COMPARABLE PUBLICATIONS, THE CONTENT OF WHICH IS DISSEMINATED BY MEANS OF THE PRINTED WORD.

C. THE TERM "ELECTRONIC MEDIA" SHALL INCLUDE RADIO AND TELEVISION, OR COMMUNICATIONS MADE BY SOUND EQUIPMENT FROM A MOTOR VEHICLE.

S 2. This act shall take effect immediately.