

4464

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health care insurers to pay for ambulance services performed by non-preferred providers

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

1 Section 1. The insurance law is amended by adding a new section 3224-c
2 to read as follows:

3 S 3224-C. HEALTH BENEFIT PLANS PROVIDING INCENTIVES TO USE SERVICES OF
4 PREFERRED PROVIDERS; MINIMUM REQUIREMENTS. (A) HEALTH CARE INSURERS MAY
5 ISSUE HEALTH BENEFIT PLANS WHICH PROVIDE FOR INCENTIVES FOR COVERED
6 PERSONS TO USE THE AMBULANCE SERVICES OF PREFERRED PROVIDERS. SUCH POLI-
7 CIES OR SUBSCRIBER CERTIFICATES SHALL CONTAIN AT LEAST THE FOLLOWING
8 PROVISIONS:

9 (1) A PROVISION THAT IF A COVERED PERSON RECEIVES EMERGENCY CARE FROM
10 AMBULANCE SERVICE PROVIDERS LICENSED UNDER ARTICLE THIRTY OF THE PUBLIC
11 HEALTH LAW, FOR SERVICES SPECIFIED IN THE PREFERRED PROVIDER ARRANGEMENT
12 AND CANNOT REASONABLY REACH A PREFERRED PROVIDER, THAT EMERGENCY CARE
13 RENDERED DURING THE COURSE OF THE EMERGENCY WILL BE PAID FOR IN ACCORD-
14 ANCE WITH THE TERMS OF THE AMBULANCE SERVICE PROVIDER, BASED ON THE
15 USUAL AND CUSTOMARY CHARGES, WHICH SHALL NOT BE EXCESSIVE OR UNREASON-
16 ABLE FOR THE APPLICABLE TREATMENT, IN THE AREA WHERE THE TREATMENT IS
17 PROVIDED; AND

18 (2) A PROVISION WHICH CLEARLY IDENTIFIES THE DIFFERENCES IN BENEFIT
19 LEVELS FOR AMBULANCE SERVICES OF PREFERRED PROVIDERS AND BENEFIT LEVELS
20 FOR AMBULANCE SERVICES OF NONPREFERRED PROVIDERS.

21 (B) FOR PURPOSES OF THIS SECTION, WHEN A REQUEST FOR EMERGENCY CARE IS
22 MADE THROUGH THE EMERGENCY 911 SYSTEM ON BEHALF OF A COVERED PERSON AND
23 THE NON-AIRBORNE TRANSPORTATION THAT WAS DISPATCHED IN RESPONSE TO THE
24 REQUEST IS NOT A PREFERRED PROVIDER, FOR PURPOSES OF PAYMENT UNDER PARA-
25 GRAPH ONE OF SUBSECTION (A) OF THIS SECTION, IT SHALL BE PRESUMED THAT
26 THE COVERED PERSON COULD NOT REASONABLY REACH A PREFERRED PROVIDER.

27 S 2. This act shall take effect immediately.

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

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