

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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,

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

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

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