

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

4456--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. CASTRO, HOOPER, BARRON, STEVENSON, P. RIVERA, RAMOS, LINARES, WEPRIN, ROBERTS, ORTIZ -- Multi-Sponsored by -- M. of A. BOYLAND, COOK -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the public health law, in relation to prohibiting the disruption of health services by any third party

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

1 Section 1. Section 3217-e of the insurance law, as added by chapter
2 219 of the laws of 2011, is amended to read as follows:
3 S 3217-e. Choice of health care provider. An insurer that is subject
4 to this article and requires or provides for designation by an insured
5 of a participating primary care provider shall permit the insured to
6 designate any participating primary care provider who is available to
7 accept such individual, and in the case of a child, shall permit the
8 insured to designate a physician (allopathic or osteopathic) who
9 specializes in pediatrics as the child's primary care provider if such
10 provider participates in the network of the insurer. NO INSURER SUBJECT
11 TO THIS ARTICLE SHALL CAUSE A DISRUPTION IN HEALTH CARE SERVICES BY
12 REQUIRING THAT AN INSURED RECEIVE SERVICES FROM A SPECIFIC PRIMARY CARE
13 PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL RESTRICT AN INSURER
14 FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE PROVIDER FROM WITHIN
15 THE INSURER'S NETWORK OF PARTICIPATING PROVIDERS. IT SHALL NOT BE
16 CONSIDERED TO BE A DISRUPTION OF HEALTH CARE SERVICES WHEN AN INSURER
17 SUBJECT TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR REGULATION TO
18 SELECT A PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED WHEN SUCH
19 INSURED HAS NOT MADE SUCH SELECTION IN A TIMELY MANNER.
20 S 2. Section 4306-d of the insurance law, as added by chapter 219 of
21 the laws of 2011, is amended to read as follows:

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

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1 S 4306-d. Choice of health care provider. A corporation that is
2 subject to the provisions of this article and requires or provides for
3 designation by a subscriber of a participating primary care provider
4 shall permit the subscriber to designate any participating primary care
5 provider who is available to accept such individual, and in the case of
6 a child, shall permit the subscriber to designate a physician (allopath-
7 ic or osteopathic) who specializes in pediatrics as the child's primary
8 care provider if such provider participates in the network of the corpo-
9 ration. NO INSURER SUBJECT TO THIS ARTICLE SHALL CAUSE A DISRUPTION IN
10 HEALTH CARE SERVICES BY REQUIRING THAT AN INSURED RECEIVE SERVICES FROM
11 A SPECIFIC PRIMARY CARE PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL
12 RESTRICT AN INSURER FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE
13 PROVIDER FROM WITHIN THE INSURER'S NETWORK OF PARTICIPATING PROVIDERS.
14 IT SHALL NOT BE CONSIDERED TO BE A DISRUPTION OF HEALTH CARE SERVICES
15 WHEN AN INSURER SUBJECT TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR
16 REGULATION TO SELECT A PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED
17 WHEN SUCH INSURED HAS NOT MADE SUCH SELECTION IN A TIMELY MANNER.

18 S 3. Subdivision 7 of section 4403 of the public health law, as added
19 by chapter 219 of the laws of 2011, is amended to read as follows:

20 7. A health maintenance organization that requires or provides for
21 designation by an enrollee of a participating primary care provider
22 shall permit the enrollee to designate any participating primary care
23 provider who is available to accept such individual, and in the case of
24 a child, shall permit the enrollee to designate a physician (allopathic
25 or osteopathic) who specializes in pediatrics as the child's primary
26 care provider if such provider participates in the network of the health
27 maintenance organization. NO HEALTH MAINTENANCE ORGANIZATION SUBJECT TO
28 THIS ARTICLE SHALL CAUSE A DISRUPTION IN HEALTH CARE SERVICES BY REQUIR-
29 ING THAT AN INSURED RECEIVE SERVICES FROM A SPECIFIC PRIMARY CARE
30 PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL RESTRICT A HEALTH MAIN-
31 TENANCE ORGANIZATION FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE
32 PROVIDER FROM WITHIN THE HEALTH MAINTENANCE ORGANIZATION'S NETWORK OF
33 PARTICIPATING PROVIDERS. IT SHALL NOT BE CONSIDERED TO BE A DISRUPTION
34 OF HEALTH CARE SERVICES WHEN A HEALTH MAINTENANCE ORGANIZATION SUBJECT
35 TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR REGULATION TO SELECT A
36 PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED WHEN SUCH INSURED HAS NOT
37 MADE SUCH SELECTION IN A TIMELY MANNER.

38 S 4. This act shall take effect on the first of January next succeed-
39 ing the date upon which it shall have become a law.