

5226

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

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

AN ACT to amend the insurance law and the public health law, in relation
to restricting limitations on non-affiliated physicians from becoming
a network provider of any health care plan or health maintenance
organization

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

1 Section 1. Section 3217-b of the insurance law is amended by adding a
2 new subsection (j) to read as follows:
3 (J) (1) NO INSURER SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN
4 POLICY OR WRITTEN PROCEDURE REQUIRE THE AFFILIATION AND/OR REQUIRE THE
5 MAINTENANCE OF HOSPITAL PRIVILEGES BY ANY NON-HOSPITAL EMPLOYEE HEALTH
6 CARE PROVIDER AS A CONDITION OF ENTERING INTO AND/OR MAINTAINING A
7 CONTRACT, AGREEMENT OF MEMBERSHIP OR ACCEPTANCE INTO A HEALTH CARE PLAN
8 OR HEALTH MAINTENANCE ORGANIZATION'S PROVIDER NETWORK.
9 (2) NO INSURER SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN
10 POLICY OR WRITTEN PROCEDURE PROHIBIT OR RESTRICT ANY HEALTH CARE PROVID-
11 ER FROM REFERRING AN INSURED TO ANOTHER PHYSICIAN BASED SOLELY UPON THE
12 REFERRED PHYSICIAN'S LACK OF AFFILIATION AND/OR LACK OF HOSPITAL PRIVI-
13 LEGES; PROVIDED THAT THE REFERRED PHYSICIAN IS LICENSED TO PRACTICE
14 UNDER APPLICABLE STATE LAW.
15 S 2. Subdivision 7 of section 4406-c of the public health law, as
16 renumbered by section 487 of the laws of 2010, is renumbered subdivision
17 9 and a new subdivision 8 is added to read as follows:
18 8. (A) NO HEALTH CARE PLAN SHALL BY CONTRACT, WRITTEN POLICY OR WRIT-
19 TEN PROCEDURE REQUIRE THE AFFILIATION AND/OR REQUIRE THE MAINTENANCE OF
20 HOSPITAL PRIVILEGES BY ANY NON-HOSPITAL EMPLOYEE HEALTH CARE PROVIDER AS
21 A CONDITION OF ENTERING INTO AND/OR MAINTAINING A CONTRACT, AGREEMENT OF
22 MEMBERSHIP OR ACCEPTANCE INTO A HEALTH CARE PLAN OR HEALTH MAINTENANCE
23 ORGANIZATION'S PROVIDER NETWORK.

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

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1 (B) NO HEALTH CARE PLAN SHALL BY CONTRACT, WRITTEN POLICY OR WRITTEN
2 PROCEDURE PROHIBIT OR RESTRICT ANY HEALTH CARE PROVIDER FROM REFERRING
3 AN INSURED TO ANOTHER PHYSICIAN BASED SOLELY UPON THE REFERRED PHYSI-
4 CIAN'S LACK OF AFFILIATION AND/OR LACK OF HOSPITAL PRIVILEGES; PROVIDED
5 THAT THE REFERRED PHYSICIAN IS LICENSED TO PRACTICE UNDER APPLICABLE
6 STATE LAW.

7 S 3. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law.