

6271

2011-2012 Regular Sessions

I N A S S E M B L Y

March 11, 2011

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

AN ACT to amend the insurance law, in relation to health insurance
coverage for clinical laboratory services

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 28 to read as follows:
3 (28) NO SUCH POLICY SHALL LIMIT OR DENY REIMBURSEMENT FOR BENEFITS TO
4 ANY INSURED ON THE BASIS THAT A LABORATORY PROVIDING CLINICAL LABORATORY
5 SERVICES IS AN OUT-OF-NETWORK PROVIDER, IF AN IN-NETWORK HEALTH CARE
6 PROVIDER DIRECTS SPECIMENS RETRIEVED BY SUCH HEALTH CARE PROVIDER TO
7 SUCH OUT-OF-NETWORK LABORATORY OR SUCH HEALTH CARE PROVIDER DIRECTS THE
8 INSURED TO SUCH OUT-OF-NETWORK LABORATORY FOR CLINICAL LABORATORY
9 SERVICES. NO SUCH POLICY SHALL PROHIBIT A DULY REGISTERED LABORATORY
10 FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH
11 SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR
12 SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH POLICY.
13 S 2. Subsection (e) of section 3221 of the insurance law is amended by
14 adding a new paragraph 12 to read as follows:
15 (12) NO SUCH GROUP OR BLANKET POLICY SHALL LIMIT OR DENY REIMBURSEMENT
16 FOR BENEFITS TO ANY INSURED ON THE BASIS THAT A LABORATORY PROVIDING
17 CLINICAL LABORATORY SERVICES IS AN OUT-OF-NETWORK PROVIDER, IF AN
18 IN-NETWORK HEALTH CARE PROVIDER DIRECTS SPECIMENS RETRIEVED BY SUCH
19 HEALTH CARE PROVIDER TO SUCH OUT-OF-NETWORK LABORATORY OR SUCH HEALTH
20 CARE PROVIDER DIRECTS THE INSURED TO SUCH OUT-OF-NETWORK LABORATORY FOR
21 CLINICAL LABORATORY SERVICES. NO SUCH GROUP OR BLANKET POLICY SHALL
22 PROHIBIT A DULY REGISTERED LABORATORY FROM PROVIDING SERVICES, PROVIDED
23 SUCH LABORATORY AGREES TO PROVIDE SUCH SERVICES IN ACCORDANCE WITH THE
24 MINIMUM STANDARDS AND CONDITIONS FOR SIMILAR PROVIDERS THAT HAVE BEEN
25 ESTABLISHED BY SUCH GROUP OR BLANKET POLICY.

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

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1 S 3. Section 4303 of the insurance law is amended by adding a new
2 subsection (hh) to read as follows:
3 (HH) NO SUCH POLICY ISSUED BY A THIRD PARTY BENEFIT PROGRAM SHALL
4 LIMIT OR DENY REIMBURSEMENT FOR BENEFITS TO ANY INSURED ON THE BASIS
5 THAT A LABORATORY PROVIDING CLINICAL LABORATORY SERVICES IS AN
6 OUT-OF-NETWORK PROVIDER, IF AN IN-NETWORK HEALTH CARE PROVIDER DIRECTS
7 SPECIMENS RETRIEVED BY SUCH HEALTH CARE PROVIDER TO SUCH OUT-OF-NETWORK
8 LABORATORY OR SUCH HEALTH CARE PROVIDER DIRECTS THE INSURED TO SUCH
9 OUT-OF-NETWORK LABORATORY FOR CLINICAL LABORATORY SERVICES. NO SUCH
10 THIRD PARTY BENEFIT PROGRAM SHALL PROHIBIT A DULY REGISTERED LABORATORY
11 FROM PROVIDING SERVICES, PROVIDED SUCH LABORATORY AGREES TO PROVIDE SUCH
12 SERVICES IN ACCORDANCE WITH THE MINIMUM STANDARDS AND CONDITIONS FOR
13 SIMILAR PROVIDERS THAT HAVE BEEN ESTABLISHED BY SUCH THIRD PARTY BENEFIT
14 PROGRAM.
15 S 4. This act shall take effect on the first of January next succeed-
16 ing the date on which it shall have become a law and shall apply to all
17 policies and contracts issued, renewed, modified, altered or amended on
18 or after such effective date.