

8010

2011-2012 Regular Sessions

I N A S S E M B L Y

May 26, 2011

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

AN ACT to amend the insurance law, in relation to health care retainer programs

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

Section 1. Section 1108 of the insurance law is amended by adding a new subsection (k) to read as follows:

(K) EVERY HEALTH CARE RETAINER PROGRAM OPERATED PURSUANT TO ARTICLE FIFTY-SEVEN OF THIS CHAPTER.

S 2. The insurance law is amended by adding a new article 57 to read as follows:

ARTICLE 57

HEALTH CARE RETAINER PROGRAMS

SECTION 5701. DEFINITIONS.

5702. HEALTH CARE RETAINER PROGRAMS.

S 5701. DEFINITIONS. AS USED IN THIS ARTICLE:

(A) "AGREEMENT" SHALL MEAN A HEALTH CARE RETAINER AGREEMENT ENTERED INTO PURSUANT TO A PROGRAM OPERATED BY A PRIMARY CARE PHYSICIAN OR PRIMARY CARE PHYSICIANS.

(B) "PRIMARY CARE" SHALL MEAN PROFESSIONAL MEDICAL CARE OFFERED IN THE FIELDS OF FAMILY PRACTICE, GENERAL PEDIATRICS, PRIMARY CARE INTERNAL MEDICINE, AND PRIMARY CARE OBSTETRICS AND GYNECOLOGY, AND AS DEFINED IN THE RULES AND REGULATIONS OF THE COMMISSIONER OF HEALTH.

(C) "PRIMARY CARE PHYSICIAN" SHALL MEAN A PERSON LICENSED TO PRACTICE MEDICINE IN THIS STATE WHOSE PRIMARY FIELD OF PRACTICE IS PRIMARY CARE.

(D) "PRIMARY CARE PRACTITIONER" SHALL MEAN A MIDWIFE, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT AUTHORIZED TO PRACTICE IN THIS STATE, WHO PROVIDES PRIMARY CARE, AND WHO IS SUBJECT TO THE SUPERVISION AND DIRECTION OF A PRIMARY CARE PHYSICIAN.

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

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1 (E) "PROGRAM" SHALL MEAN A HEALTH CARE RETAINER PROGRAM OFFERED AND
2 OPERATED BY A PRIMARY CARE PHYSICIAN OR A GROUP OF PRIMARY CARE PHYSI-
3 CIANS WHEREBY SUCH PHYSICIAN OR PHYSICIANS, AND PRIMARY CARE PRACTITION-
4 ERS UNDER THE CONTROL OF SUCH PHYSICIAN OR PHYSICIANS, AGREE TO PROVIDE
5 ALL NECESSARY PRIMARY CARE TO ANY PERSON ENTERING INTO AN AGREEMENT, AND
6 THEIR DEPENDENTS, FOR A CERTAIN PERIOD OF TIME IN EXCHANGE FOR A FEE
7 ESTABLISHED UPON ENTERING INTO THE AGREEMENT.

8 S 5702. HEALTH CARE RETAINER PROGRAMS. ANY PRIMARY CARE PHYSICIAN OR
9 GROUP OF PRIMARY CARE PHYSICIANS MAY ESTABLISH AND OPERATE A HEALTH CARE
10 RETAINER PROGRAM SUBJECT TO THE PROVISIONS OF THIS SECTION.

11 (A) EVERY AGREEMENT SHALL BE WRITTEN IN CLEAR, CONCISE AND EASY TO
12 UNDERSTAND LANGUAGE, AND FULLY DEFINE THE PRIMARY CARE SERVICES COVERED
13 BY SUCH AGREEMENT, THE FEE FOR THE PROVISION OF SUCH SERVICES, AND THE
14 PERIOD OF TIME SUCH SERVICES ARE TO BE PROVIDED FOR SUCH FEE.

15 (B) EVERY AGREEMENT SHALL BE LIMITED TO THE PROVISION OF PRIMARY CARE.

16 (C) ALL FEES AND CHARGES PAID FOR AGREEMENTS SHALL BE DEPOSITED BY THE
17 OPERATORS OF A PROGRAM IN AN UNSEGREGATED INTEREST-BEARING DEPOSIT
18 ACCOUNT WITH A BANKING INSTITUTION, AS DEFINED IN THE BANKING LAW.
19 MONEYS SHALL BE PAID OUT OF SUCH ACCOUNT ONLY IN SUCH AMOUNT AS IS
20 EQUIVALENT TO THE FEES AND CHARGES FOR PRIMARY CARE DELIVERED DURING THE
21 PRECEDING CALENDAR MONTH.

22 (D) EVERY PROGRAM SHALL, ON OR BEFORE FEBRUARY FIRST EACH YEAR, SUBMIT
23 AN AFFIDAVIT TO THE SUPERINTENDENT ATTESTING TO ITS COMPLIANCE WITH THE
24 PROVISIONS OF THIS ARTICLE DURING THE IMMEDIATELY PRECEDING CALENDAR
25 YEAR.

26 S 3. This act shall take effect immediately.