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

1434

2011-2012 Regular Sessions

I N  S E N A T E

January 7, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to prohibiting accident and health insurers from offering incentives to health care providers to prescribe a specific drug or medical product

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

Section 1. Section 3217-b of the insurance law is amended by adding a new subsection (j) to read as follows:

(J) NO INSURER SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL, BY CONTRACT, WRITTEN POLICY OR PROCEDURE OR ANY OTHER AGREEMENT, PROVIDE PAYMENT OR ANY OTHER INCENTIVE TO A HEALTH CARE PROVIDER TO ISSUE OR CHANGE A PRESCRIPTION FOR A SPECIFIC DRUG OR MEDICAL PRODUCT. VIOLATIONS OF THIS SUBSECTION SHALL BE PUNISHABLE AS PROVIDED IN SECTION ONE HUNDRED NINE OF THIS CHAPTER.

S 2. Section 4325 of the insurance law is amended by adding a new subsection (k) to read as follows:

(K) NO INSURER SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL, BY CONTRACT, WRITTEN POLICY OR PROCEDURE OR ANY OTHER AGREEMENT, PROVIDE PAYMENT OR ANY OTHER INCENTIVE TO A HEALTH CARE PROVIDER TO ISSUE OR CHANGE A PRESCRIPTION FOR A SPECIFIC DRUG OR MEDICAL PRODUCT. VIOLATIONS OF THIS SUBSECTION SHALL BE PUNISHABLE AS PROVIDED IN SECTION ONE HUNDRED NINE OF THIS CHAPTER.

S 3. Section 4406-c of the public health law is amended by adding a new subdivision 5-e to read as follows:

5-E. NO HEALTH CARE PLAN SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL, BY CONTRACT, WRITTEN POLICY OR PROCEDURE OR ANY OTHER AGREEMENT, PROVIDE PAYMENT OR ANY OTHER INCENTIVE TO A HEALTH CARE PROVIDER TO ISSUE OR CHANGE A PRESCRIPTION FOR A SPECIFIC DRUG OR MEDICAL PRODUCT.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.

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

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