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

3675

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

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

AN ACT to amend the public health law and the insurance law, in relation to provisions requiring health care providers to accept the products of a health care plan or insurer

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

Section 1. Section 4406-c of the public health law is amended by adding a new subdivision 5-e to read as follows:

5-E. NO CONTRACT OR AGREEMENT BETWEEN A HEALTH CARE PLAN AND A HEALTH CARE PROVIDER SHALL CONTAIN ANY CLAUSE REQUIRING SUCH HEALTH CARE PROVIDER TO ACCEPT ANY OR ALL PRODUCTS OFFERED BY SUCH HEALTH CARE PLAN. NOR SHALL ANY SUCH CONTRACT OR AGREEMENT CREATE OR INCLUDE A DIFFERENTIATED REIMBURSEMENT SCHEDULE, PLAN OR POLICY CONTINGENT UPON SUCH HEALTH CARE PROVIDER'S CONDITION OF ACCEPTING OR NOT ACCEPTING ALL PRODUCTS OFFERED BY THE HEALTH CARE PLAN.

S 2. Subsections (h) and (i) of section 3217-b of the insurance law, as relettered by chapter 237 of the laws of 2009, are relettered subsections (i) and (j) and a new subsection (h) is added to read as follows:

(H) NO CONTRACT OR AGREEMENT BETWEEN AN INSURER AND A HEALTH CARE PROVIDER SHALL CONTAIN ANY CLAUSE REQUIRING SUCH HEALTH CARE PROVIDER TO ACCEPT ANY OR ALL PRODUCTS OFFERED BY SUCH INSURER. NOR SHALL ANY SUCH CONTRACT OR AGREEMENT CREATE OR INCLUDE A DIFFERENTIATED REIMBURSEMENT SCHEDULE, PLAN OR POLICY CONTINGENT UPON SUCH HEALTH CARE PROVIDER'S CONDITION OF ACCEPTING OR NOT ACCEPTING ALL PRODUCTS OFFERED BY THE INSURER.

S 3. Subsections (i) and (j) of section 4325 of the insurance law, as relettered by chapter 487 of the laws of 2010, are relettered subsections (j) and (k) and a new subsection (i) is added to read as follows:

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

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(I) NO CONTRACT OR AGREEMENT BETWEEN A CORPORATION ORGANIZED UNDER THIS ARTICLE AND A HEALTH CARE PROVIDER SHALL CONTAIN ANY CLAUSE REQUIRING SUCH HEALTH CARE PROVIDER TO ACCEPT ANY OR ALL PRODUCTS OFFERED BY SUCH CORPORATION. NOR SHALL ANY SUCH CONTRACT OR AGREEMENT CREATE OR INCLUDE A DIFFERENTIATED REIMBURSEMENT SCHEDULE, PLAN OR POLICY CONTINGENT UPON SUCH HEALTH CARE PROVIDER'S CONDITION OF ACCEPTING OR NOT ACCEPTING ALL PRODUCTS OFFERED BY THE CORPORATION.

S 4. This act shall take effect immediately and shall apply to any contract issued, renewed, modified or amended on or after such date; provided, however, that the relettering of subsection (i) of section 3217-b of the insurance law and subsection (j) of section 4325 of the insurance law made by sections two and three of this act, respectively, shall not affect the repeal of such subsections and shall be deemed to be repealed therewith.