

3802

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to the reimbursement of out-of-network providers of clinical laboratory services by organizations providing or offering comprehensive health services plans

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

1 Section 1. Section 4406 of the public health law is amended by adding
2 a new subdivision 6 to read as follows:

3 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN ENROLLEE IS
4 REFERRED BY AN IN-PLAN PROVIDER TO A PROVIDER OF CLINICAL LABORATORY
5 SERVICES NOT PARTICIPATING IN THE PLAN (A "NON-PARTICIPATING PROVIDER")
6 FOR ANY SERVICE COVERED UNDER THE TERMS OF THE PLAN, THE ORGANIZATION
7 SHALL BE RESPONSIBLE FOR PAYMENT DIRECTLY TO THE NON-PARTICIPATING
8 PROVIDER FOR THOSE SERVICES IN ACCORDANCE WITH THE TIME FRAME FOR SUCH
9 PAYMENTS SET FORTH IN SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A
10 OF THE INSURANCE LAW; PROVIDED, HOWEVER, THAT THE ENROLLEE SHALL BE
11 RESPONSIBLE FOR ANY APPLICABLE COPAY, COINSURANCE OR DEDUCTIBLE FOR SUCH
12 SERVICES. CLINICAL LABORATORIES SEEKING REIMBURSEMENT PURSUANT TO THIS
13 SECTION FOR SERVICES RENDERED SHALL DIRECTLY BILL THE ORGANIZATION WHOSE
14 ENROLLEE RECEIVED THE SERVICES. ANY PAYMENT MADE BY AN ORGANIZATION
15 DIRECTLY TO THE ENROLLEE RATHER THAN TO THE CLINICAL LABORATORY SEEKING
16 REIMBURSEMENT SHALL NOT SATISFY THE ORGANIZATION'S PAYMENT OBLIGATION TO
17 THE CLINICAL LABORATORY.

18 S 2. Section 4804 of the insurance law is amended by adding a new
19 subsection (g) to read as follows:

20 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN ENROLLEE IS
21 REFERRED BY AN IN-PLAN PROVIDER TO A PROVIDER OF CLINICAL LABORATORY
22 SERVICES NOT PARTICIPATING IN THE PLAN (A "NON-PARTICIPATING PROVIDER")
23 FOR ANY SERVICE COVERED UNDER THE TERMS OF THE PLAN, THE ORGANIZATION

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

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1 SHALL BE RESPONSIBLE FOR PAYMENT DIRECTLY TO THE NON-PARTICIPATING
2 PROVIDER FOR THOSE SERVICES IN ACCORDANCE WITH THE TIME FRAME FOR SUCH
3 PAYMENTS SET FORTH IN SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A
4 OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE ENROLLEE SHALL BE RESPONSI-
5 BLE FOR ANY APPLICABLE COPAY, COINSURANCE OR DEDUCTIBLE FOR SUCH
6 SERVICES. CLINICAL LABORATORIES SEEKING REIMBURSEMENT PURSUANT TO THIS
7 SECTION FOR SERVICES RENDERED SHALL DIRECTLY BILL THE ORGANIZATION WHOSE
8 ENROLLEE RECEIVED THE SERVICES. ANY PAYMENT MADE BY AN ORGANIZATION
9 DIRECTLY TO THE ENROLLEE RATHER THAN TO THE CLINICAL LABORATORY SEEKING
10 REIMBURSEMENT SHALL NOT SATISFY THE ORGANIZATION'S PAYMENT OBLIGATION TO
11 THE CLINICAL LABORATORY.

12 S 3. This act shall take effect immediately.