

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.

LBD09966-01-1

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.