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

662

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I N A S S E M B L Y

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Introduced by M. of A. GOTTFRIED, DINOWITZ, GALEF, KAVANAGH, PAULIN, SCHIMEL -- Multi-Sponsored by -- M. of A. JACOBS, KELLNER, J. MILLER, TOWNS -- 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 definition of clinical peer reviewer

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

Section 1. Subdivision 2 of section 4900 of the public health law, as amended by chapter 586 of the laws of 1998, is amended to read as follows:

2. "Clinical peer reviewer" means:

(a) [for purposes of title one of this article:

(i) a physician who possesses a current and valid non-restricted license to practice medicine; or

(ii) a health care professional other than a licensed physician who:

(A) where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and

(B) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; and

(b) for purposes of title two of this article:

(i)] a physician who:

[(A)] (I) possesses a current and valid non-restricted license to practice medicine;

[(B)] (II) where applicable, is board certified or board eligible in the same or similar specialty as the health care provider who typically

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

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manages the medical condition or disease or provides the health care service or treatment under REVIEW OR appeal;
[(C)] (III) has been practicing in such area of specialty for a period of at least five years; and
[(D)] (IV) is knowledgeable about the health care service or treatment under REVIEW OR appeal; or
[(ii)] (B) a health care professional other than a licensed physician who:
[(A)] (I) where applicable, possesses a current and valid non-restricted license, certificate or registration;
[(B)] (II) where applicable, is credentialed by the national accrediting body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under REVIEW OR appeal;
[(C)] (III) has been practicing in such area of specialty for a period of at least five years;
[(D)] (IV) is knowledgeable about the health care service or treatment under REVIEW OR appeal; and
[(E)] (V) where applicable to such health care professional's scope of practice, is clinically supported by a physician who possesses a current and valid non-restricted license to practice medicine.
[(c)] Nothing [herein] IN THIS SUBDIVISION shall be construed to change any statutorily-defined scope of practice.
S 2. Subsection (b) of section 4900 of the insurance law, as amended by chapter 586 of the laws of 1998, is amended to read as follows:
(b) "Clinical peer reviewer" means:
(1) [for purposes of title one of this article:
(A) a physician who possesses a current and valid non-restricted license to practice medicine; or
(B) a health care professional other than a licensed physician who:
(i) where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and
(ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; and
(2) for purposes of title two of this article:
(A)] a physician who:
[(i)] (A) possesses a current and valid non-restricted license to practice medicine;
[(ii)] (B) where applicable, is board certified or board eligible in the same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under REVIEW OR appeal;
[(iii)] (C) has been practicing in such area of specialty for a period of at least five years; and
[(iv)] (D) is knowledgeable about the health care service or treatment under REVIEW OR appeal; or
[(B)] (2) a health care professional other than a licensed physician who:
[(i)] (A) where applicable, possesses a current and valid non-restricted license, certificate or registration;

[(ii)] (B) where applicable, is credentialed by the national accrediting body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under REVIEW OR appeal;

[(iii)] (C) has been practicing in such area of specialty for a period of at least five years;

[(iv)] (D) is knowledgeable about the health care service or treatment under REVIEW OR appeal; and

[(v)] (E) where applicable to such health care professional's scope of practice, is clinically supported by a physician who possesses a current and valid non-restricted license to practice medicine.

[(3)] Nothing [herein] IN THIS SUBSECTION shall be construed to change any statutorily-defined scope of practice.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.