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

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I N A S S E M B L Y

March 23, 2012

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for certain benefits under comprehensive motor vehicle insurance

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

Section 1. Section 5102 of the insurance law is amended by adding a new subsection (n) to read as follows:

(N) "HEALTH SERVICE PROVIDER" MEANS ANY MEDICAL PROVIDER OR DURABLE MEDICAL EQUIPMENT SUPPLIER THAT SUBMITS A BILL FOR PAYMENT UNDER BENEFITS DEFINED AND PROVIDED BY THIS SECTION FOR ANY OF THE FOLLOWING:

(1) MEDICAL, HOSPITAL (INCLUDING SERVICES RENDERED IN COMPLIANCE WITH ARTICLE FORTY-ONE OF THE PUBLIC HEALTH LAW, WHETHER OR NOT SUCH SERVICES ARE RENDERED DIRECTLY BY A HOSPITAL), SURGICAL, NURSING, DENTAL, AMBULANCE, X-RAY, PRESCRIPTION DRUG AND PROSTHETIC SERVICES OR EQUIPMENT;

(2) PSYCHIATRIC, PHYSICAL THERAPY (PROVIDED THAT TREATMENT IS RENDERED PURSUANT TO A REFERRAL) AND OCCUPATIONAL THERAPY AND REHABILITATION;

(3) ANY NONMEDICAL REMEDIAL CARE AND TREATMENT RENDERED IN ACCORDANCE WITH A RELIGIOUS METHOD OF HEALING RECOGNIZED BY THE LAWS OF THIS STATE; AND

(4) ANY OTHER PROFESSIONAL HEALTH SERVICES.

S 2. The insurance law is amended by adding a new section 5110 to read as follows:

S 5110. CHARGES FOR DURABLE MEDICAL EQUIPMENT. (A) A COVERED PERSON SHALL NOT ASSIGN CLAIMS FOR MEDICAL EXPENSES UNDER THIS ARTICLE TO A HEALTH SERVICE PROVIDER FOR DURABLE MEDICAL EQUIPMENT UNLESS THE HEALTH SERVICE PROVIDER HAS BEEN APPROVED BY THE NATIONAL SUPPLIER CLEARINGHOUSE AS AN AUTHORIZED MEDICARE SUPPLIER OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS AND SUPPLIES. FOR PURPOSES OF THIS SECTION, DURABLE MEDICAL EQUIPMENT INCLUDES, BUT IS NOT LIMITED TO, DURABLE MEDICAL EQUIPMENT AND SUPPLIES, MEDICAL/SURGICAL SUPPLIES, ORTHOPEDIC FOOTWEAR AND ORTHOTIC AND PROSTHETIC APPLIANCES.

(B) NO HEALTH SERVICE PROVIDER SHALL BE ELIGIBLE TO DEMAND OR REQUEST PAYMENT FROM AN INSURER FOR DURABLE MEDICAL EQUIPMENT UNLESS THE MAKE AND MODEL NUMBER OF THE EQUIPMENT IS SET FORTH ON THE INVOICE FOR THE EQUIPMENT.

S 3. This act shall take effect immediately.

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

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