

1119

2011-2012 Regular Sessions

I N   S E N A T E

January 5, 2011

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

AN ACT to amend the insurance law, in relation to requiring notification to insured persons that an out-of-network physician may be used in their procedure, test or surgery

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

1     Section 1. Section 3216 of the insurance law is amended by adding a  
2     new subsection (m) to read as follows:

3     (M) (1) EVERY PERSON INSURED UNDER A POLICY OF ACCIDENT AND HEALTH  
4     INSURANCE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE SHALL BE ENTI-  
5     TLED TO NOTIFICATION FROM THE BILLING ENTITY PRIOR TO THE PROCEDURE,  
6     TEST OR SURGERY, THAT AN OUT-OF-NETWORK PHYSICIAN MAY BE USED IN SUCH  
7     PROCEDURE, TEST OR SURGERY AND SUCH PHYSICIAN'S SERVICES SHALL NOT BE  
8     COVERED BY THEIR INSURANCE POLICY.

9     (2) THE PATIENT COSTS OF OUT-OF-NETWORK PHYSICIAN SERVICES SHALL BE  
10    COVERED BY THE INSURANCE POLICY OF AN INSURED PERSON IF HE OR SHE HAS  
11    NOT RECEIVED NOTIFICATION OF SUCH SITUATIONS, PRIOR TO THE HEALTH  
12    SERVICE OR PROCEDURE, AS PRESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION.

13    S 2. Section 3221 of the insurance law is amended by adding a new  
14    subsection (s) to read as follows:

15    (S) (1) EVERY PERSON INSURED UNDER A POLICY OF ACCIDENT AND HEALTH  
16    INSURANCE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE SHALL BE ENTI-  
17    TLED TO NOTIFICATION FROM THE BILLING ENTITY PRIOR TO THE PROCEDURE,  
18    TEST OR SURGERY, THAT AN OUT-OF-NETWORK PHYSICIAN MAY BE USED IN SUCH  
19    PROCEDURE, TEST OR SURGERY AND SUCH PHYSICIAN'S SERVICES SHALL NOT BE  
20    COVERED BY THEIR INSURANCE POLICY.

21    (2) THE PATIENT COSTS OF OUT-OF-NETWORK PHYSICIAN SERVICES SHALL BE  
22    COVERED BY THE INSURANCE POLICY OF AN INSURED PERSON IF HE OR SHE HAS  
23    NOT RECEIVED NOTIFICATION OF SUCH SITUATIONS, PRIOR TO THE HEALTH  
24    SERVICE OR PROCEDURE, AS PRESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION.

25    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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