

5027

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sen. SEWARD -- 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 provider credentialing

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

1 Section 1. Subsection (a) of section 4803 of the insurance law is
2 amended by adding a new paragraph 3 to read as follows:
3 (3) A NEWLY-LICENSED HEALTH CARE PROFESSIONAL, A HEALTH CARE PROFES-
4 SIONAL WHO HAS RECENTLY RELOCATED TO THIS STATE FROM ANOTHER STATE AND
5 HAS NOT PREVIOUSLY PRACTICED IN THIS STATE, OR A PHYSICIAN WHO HAS
6 CHANGED THEIR CORPORATE RELATIONSHIP SUCH THAT IT RESULTS IN THE ISSU-
7 ANCE OF A NEW TAX IDENTIFICATION NUMBER UNDER WHICH THEIR SERVICES ARE
8 BILLED FOR, WHO IS EMPLOYED BY A GENERAL HOSPITAL LICENSED PURSUANT TO
9 ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, WHOSE OTHER EMPLOYED
10 HEALTH CARE PROFESSIONALS PARTICIPATE IN THE IN-NETWORK PORTION OF AN
11 INSURER'S NETWORK, SHALL BE DEEMED "PROVISIONALLY CREDENTIALED" UPON THE
12 PLAN'S RECEIPT OF THE COMPLETED APPLICATION, AND MAY PARTICIPATE IN THE
13 IN-NETWORK PORTION OF AN INSURER'S NETWORK; PROVIDED, HOWEVER, THAT A
14 PROVISIONALLY CREDENTIALED PHYSICIAN MAY NOT BE DESIGNATED AS AN
15 INSURED'S PRIMARY CARE PHYSICIAN UNTIL SUCH TIME AS THE PHYSICIAN HAS
16 BEEN FULLY CREDENTIALED BY THE PLAN. A HEALTH CARE PROFESSIONAL SHALL
17 ONLY BE ELIGIBLE FOR PROVISIONAL CREDENTIALING IF THE GENERAL HOSPITAL
18 LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WITH
19 WHICH HE OR SHE IS EMPLOYED NOTIFIES THE INSURER IN WRITING THAT THE
20 HEALTH CARE PROFESSIONAL HAS BEEN GRANTED HOSPITAL PRIVILEGES AFTER
21 MEETING THE REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THE
22 PUBLIC HEALTH LAW AND, SHOULD THE APPLICATION ULTIMATELY BE DENIED, THE
23 LICENSED GENERAL HOSPITAL: (A) SHALL REFUND ANY PAYMENTS MADE BY THE
24 INSURER FOR IN-NETWORK SERVICES PROVIDED BY THE PROVISIONALLY CREDEN-
25 TIALED HEALTH CARE PROFESSIONAL THAT EXCEED ANY OUT-OF-NETWORK BENEFITS
26 PAYABLE UNDER THE INSURED'S CONTRACT WITH THE INSURER; AND (B) SHALL NOT

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

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1 PURSUE REIMBURSEMENT FROM THE INSURED, EXCEPT TO COLLECT THE COPAYMENT
2 OR COINSURANCE THAT OTHERWISE WOULD HAVE BEEN PAYABLE HAD THE INSURED
3 RECEIVED SERVICES FROM A HEALTH CARE PROFESSIONAL PARTICIPATING IN THE
4 IN-NETWORK PORTION OF AN INSURER'S NETWORK.

5 S 2. This act shall take effect on the ninetieth day after it shall
6 have become a law, and shall apply to applications submitted after such
7 date and shall not apply to applications submitted prior to such date if
8 such application is resubmitted in substantially similar form on or
9 after the effective date of this act.