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I N   S E N A T E

April 19, 2012

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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 reimbursement for ambulance services

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

1     Section 1. Paragraph 24 of subsection (i) of section 3216 of the  
2 insurance law is amended by adding a new subparagraph (F) to read as  
3 follows:

4     (F) AN INSURER WHO ISSUES REIMBURSEMENT UNDER THIS PARAGRAPH SHALL  
5 SUBMIT SUCH PAYMENTS EITHER DIRECTLY TO THE PROVIDER AT THE RATES NEGOTIATED  
6 BETWEEN THE PROVIDER AND THE INSURER, OR IF NO RATE HAS BEEN  
7 NEGOTIATED BETWEEN THE PROVIDER AND INSURER, THEN TO THE INSURED IN THE  
8 FORM OF A JOINT CHECK SPECIFYING AS PAYEES BOTH THE INSURED AND THE  
9 PROVIDER OF AMBULANCE SERVICES, AT THE USUAL AND CUSTOMARY CHARGE, WHICH  
10 SHALL NOT BE EXCESSIVE OR UNREASONABLE; PROVIDED HOWEVER, IF THE PROVIDER  
11 OF AMBULANCE SERVICES HAS ON FILE A DULY EXECUTED ASSIGNMENT OF BENEFITS  
12 FOR SUCH SERVICES TO THE INSURER, NOTWITHSTANDING ANY POLICY  
13 LANGUAGE TO THE CONTRARY, THE ISSUER SHALL ACCEPT SUCH ASSIGNMENT OF  
14 BENEFITS AND THE INSURER SHALL ISSUE REIMBURSEMENT SOLELY TO THE PROVIDER.  
15 AN INSURER ISSUING PAYMENT IN THE FORM OF A JOINT CHECK SHALL NOTIFY  
16 THE PROVIDER VIA ELECTRONIC COMMUNICATION OF THE ISSUANCE OF SUCH  
17 PAYMENT. THE NOTIFICATION SHALL INCLUDE THE NAME OF THE PATIENT, THE  
18 DATE OF SERVICE, THE DATE OF PAYMENT, THE AMOUNT OF PAYMENT AND THE  
19 ADDRESS TO WHICH THE PAYMENT WAS SENT.

20     S 2. Paragraph 15 of subsection (1) of section 3221 of the insurance  
21 law is amended by adding a new subparagraph (F) to read as follows:

22     (F) AN INSURER WHO ISSUES REIMBURSEMENT UNDER THIS PARAGRAPH SHALL  
23 SUBMIT SUCH PAYMENTS EITHER DIRECTLY TO THE PROVIDER AT THE RATES NEGOTIATED  
24 BETWEEN THE PROVIDER AND THE INSURER, OR IF NO RATE HAS BEEN  
25 NEGOTIATED BETWEEN THE PROVIDER AND INSURER, THEN TO THE INSURED IN THE  
26 FORM OF A JOINT CHECK SPECIFYING AS PAYEES BOTH THE INSURED AND THE  
27 PROVIDER OF AMBULANCE SERVICES, AT THE USUAL AND CUSTOMARY CHARGE, WHICH  
28 SHALL NOT BE EXCESSIVE OR UNREASONABLE; PROVIDED HOWEVER, IF THE PROVIDER

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

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2 FITS FOR SUCH SERVICES TO THE INSURER, NOTWITHSTANDING ANY POLICY  
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8 DATE OF SERVICE, THE DATE OF PAYMENT, THE AMOUNT OF PAYMENT AND THE  
9 ADDRESS TO WHICH THE PAYMENT WAS SENT.

10 S 3. Subsection (aa) of section 4303 of the insurance law is amended  
11 by adding a new paragraph 6 to read as follows:

12 (6) AN INSURER WHO ISSUES REIMBURSEMENT UNDER THIS PARAGRAPH SHALL  
13 SUBMIT SUCH PAYMENTS EITHER DIRECTLY TO THE PROVIDER AT THE RATES NEGO-  
14 TIATED BETWEEN THE PROVIDER AND THE INSURER, OR IF NO RATE HAS BEEN  
15 NEGOTIATED BETWEEN THE PROVIDER AND INSURER, THEN TO THE INSURED IN THE  
16 FORM OF A JOINT CHECK SPECIFYING AS PAYEES BOTH THE INSURED AND THE  
17 PROVIDER OF AMBULANCE SERVICES, AT THE USUAL AND CUSTOMARY CHARGE, WHICH  
18 SHALL NOT BE EXCESSIVE OR UNREASONABLE; PROVIDED HOWEVER, IF THE PROVID-  
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26 DATE OF SERVICE, THE DATE OF PAYMENT, THE AMOUNT OF PAYMENT AND THE  
27 ADDRESS TO WHICH THE PAYMENT WAS SENT.

28 S 4. This act shall take effect immediately.