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

7336

I N  S E N A T E

May 2, 2012

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 and the public health law, in relation to restricting limitations on non-affiliated physicians from becoming a network provider of any health care plan or health maintenance organization

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

Section 1. Section 3217-b of the insurance law is amended by adding a new subsection (j) to read as follows:

(J) (1) NO INSURER SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR WRITTEN PROCEDURE REQUIRE THE AFFILIATION AND/OR REQUIRE THE MAINTENANCE OF HOSPITAL PRIVILEGES BY ANY NON-HOSPITAL EMPLOYEE HEALTH CARE PROVIDER AS A CONDITION OF ENTERING INTO AND/OR MAINTAINING A CONTRACT, AGREEMENT OF MEMBERSHIP OR ACCEPTANCE INTO A HEALTH CARE PLAN OR HEALTH MAINTENANCE ORGANIZATION'S PROVIDER NETWORK.

(2) NO INSURER SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR WRITTEN PROCEDURE PROHIBIT OR RESTRICT ANY HEALTH CARE PROVIDER FROM REFERRING AN INSURED TO ANOTHER PHYSICIAN BASED SOLELY UPON THE REFERRED PHYSICIAN'S LACK OF AFFILIATION AND/OR LACK OF HOSPITAL PRIVILEGES; PROVIDED THAT THE REFERRED PHYSICIAN IS LICENSED TO PRACTICE UNDER APPLICABLE STATE LAW.

S 2. Subdivision 7 of section 4406-c of the public health law, as renumbered by section 487 of the laws of 2010, is renumbered subdivision 9 and a new subdivision 8 is added to read as follows:

8. (A) NO HEALTH CARE PLAN SHALL BY CONTRACT, WRITTEN POLICY OR WRITTEN PROCEDURE REQUIRE THE AFFILIATION AND/OR REQUIRE THE MAINTENANCE OF HOSPITAL PRIVILEGES BY ANY NON-HOSPITAL EMPLOYEE HEALTH CARE PROVIDER AS A CONDITION OF ENTERING INTO AND/OR MAINTAINING A CONTRACT, AGREEMENT OF MEMBERSHIP OR ACCEPTANCE INTO A HEALTH CARE PLAN OR HEALTH MAINTENANCE ORGANIZATION'S PROVIDER NETWORK.

(B) NO HEALTH CARE PLAN SHALL BY CONTRACT, WRITTEN POLICY OR WRITTEN PROCEDURE PROHIBIT OR RESTRICT ANY HEALTH CARE PROVIDER FROM REFERRING AN INSURED TO ANOTHER PHYSICIAN BASED SOLELY UPON THE REFERRED PHYSI-

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

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CIAN'S LACK OF AFFILIATION AND/OR LACK OF HOSPITAL PRIVILEGES; PROVIDED THAT THE REFERRED PHYSICIAN IS LICENSED TO PRACTICE UNDER APPLICABLE STATE LAW.

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