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I N   A S S E M B L Y

June 13, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) --  
read once and referred to the Committee on Insurance

AN ACT to amend the public health law and the insurance law, in relation  
to requiring health maintenance organizations to cover court ordered  
health care services

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

1     Section 1. Section 4406-c of the public health law is amended by  
2     adding a new subdivision 9 to read as follows:

3     9. A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A  
4     COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED  
5     BY A PHYSICIAN IF:

6     (A) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-  
7     FIES THAT FURTHER SERVICES ARE NECESSARY;

8     (B) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE  
9     COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND

10    (C) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING  
11    HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN.

12    ANY SUCH HEALTH CARE SERVICE SHALL NOT BE SUBJECT TO A SEPARATE  
13    MEDICAL NECESSITY DETERMINATION BY THE HEALTH CARE PLAN.

14    S 2. Section 3217-b of the insurance law is amended by adding a new  
15    subsection (k) to read as follows:

16    (K) A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A  
17    COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED  
18    BY A PHYSICIAN IF:

19    (1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-  
20    FIES THAT FURTHER SERVICES ARE NECESSARY;

21    (2) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE  
22    COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND

23    (3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING  
24    HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN. ANY SUCH HEALTH CARE  
25    SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMI-  
26    NATION BY THE HEALTH CARE PLAN.

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

LBD15121-03-4

1 S 3. Section 4325 of the insurance law is amended by adding a new  
2 subsection (l) to read as follows:  
3 (L) A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A  
4 COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED  
5 BY A PHYSICIAN IF:  
6 (1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-  
7 FIES THAT FURTHER SERVICES ARE NECESSARY;  
8 (2) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE  
9 COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND  
10 (3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING  
11 HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN. ANY SUCH HEALTH CARE  
12 SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMI-  
13 NATION BY THE HEALTH CARE PLAN.  
14 S 4. This act shall take effect July 1, 2015.