

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CASTRO, HOOPER, BARRON, STEVENSON, RAMOS, WEPRIN,  
ROBERTS, ORTIZ -- Multi-Sponsored by -- M. of A. BOYLAND, COOK -- read  
once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation  
to prohibiting the disruption of health services by any third party

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

1 Section 1. Section 3217-e of the insurance law, as added by chapter  
2 219 of the laws of 2011, is amended to read as follows:  
3 S 3217-e. Choice of health care provider. An insurer that is subject  
4 to this article and requires or provides for designation by an insured  
5 of a participating primary care provider shall permit the insured to  
6 designate any participating primary care provider who is available to  
7 accept such individual, and in the case of a child, shall permit the  
8 insured to designate a physician (allopathic or osteopathic) who  
9 specializes in pediatrics as the child's primary care provider if such  
10 provider participates in the network of the insurer. NO INSURER SUBJECT  
11 TO THIS ARTICLE SHALL CAUSE A DISRUPTION IN HEALTH CARE SERVICES BY  
12 REQUIRING THAT AN INSURED RECEIVE SERVICES FROM A SPECIFIC PRIMARY CARE  
13 PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL RESTRICT AN INSURER  
14 FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE PROVIDER FROM WITHIN  
15 THE INSURER'S NETWORK OF PARTICIPATING PROVIDERS. IT SHALL NOT BE  
16 CONSIDERED TO BE A DISRUPTION OF HEALTH CARE SERVICES WHEN AN INSURER  
17 SUBJECT TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR REGULATION TO  
18 SELECT A PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED WHEN SUCH  
19 INSURED HAS NOT MADE SUCH SELECTION IN A TIMELY MANNER.  
20 S 2. Section 4306-d of the insurance law, as added by chapter 219 of  
21 the laws of 2011, is amended to read as follows:  
22 S 4306-d. Choice of health care provider. A corporation that is  
23 subject to the provisions of this article and requires or provides for

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

1 designation by a subscriber of a participating primary care provider  
2 shall permit the subscriber to designate any participating primary care  
3 provider who is available to accept such individual, and in the case of  
4 a child, shall permit the subscriber to designate a physician (allopathic  
5 or osteopathic) who specializes in pediatrics as the child's primary  
6 care provider if such provider participates in the network of the corpo-  
7 ration. NO INSURER SUBJECT TO THIS ARTICLE SHALL CAUSE A DISRUPTION IN  
8 HEALTH CARE SERVICES BY REQUIRING THAT AN INSURED RECEIVE SERVICES FROM  
9 A SPECIFIC PRIMARY CARE PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL  
10 RESTRICT AN INSURER FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE  
11 PROVIDER FROM WITHIN THE INSURER'S NETWORK OF PARTICIPATING PROVIDERS.  
12 IT SHALL NOT BE CONSIDERED TO BE A DISRUPTION OF HEALTH CARE SERVICES  
13 WHEN AN INSURER SUBJECT TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR  
14 REGULATION TO SELECT A PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED  
15 WHEN SUCH INSURED HAS NOT MADE SUCH SELECTION IN A TIMELY MANNER.

16 S 3. Subdivision 7 of section 4403 of the public health law, as added  
17 by chapter 219 of the laws of 2011, is amended to read as follows:

18 7. A health maintenance organization that requires or provides for  
19 designation by an enrollee of a participating primary care provider  
20 shall permit the enrollee to designate any participating primary care  
21 provider who is available to accept such individual, and in the case of  
22 a child, shall permit the enrollee to designate a physician (allopathic  
23 or osteopathic) who specializes in pediatrics as the child's primary  
24 care provider if such provider participates in the network of the health  
25 maintenance organization. NO HEALTH MAINTENANCE ORGANIZATION SUBJECT TO  
26 THIS ARTICLE SHALL CAUSE A DISRUPTION IN HEALTH CARE SERVICES BY REQUIR-  
27 ING THAT AN INSURED RECEIVE SERVICES FROM A SPECIFIC PRIMARY CARE  
28 PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL RESTRICT A HEALTH MAIN-  
29 TENANCE ORGANIZATION FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE  
30 PROVIDER FROM WITHIN THE HEALTH MAINTENANCE ORGANIZATION'S NETWORK OF  
31 PARTICIPATING PROVIDERS. IT SHALL NOT BE CONSIDERED TO BE A DISRUPTION  
32 OF HEALTH CARE SERVICES WHEN A HEALTH MAINTENANCE ORGANIZATION SUBJECT  
33 TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR REGULATION TO SELECT A  
34 PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED WHEN SUCH INSURED HAS NOT  
35 MADE SUCH SELECTION IN A TIMELY MANNER.

36 S 4. This act shall take effect on the first of January next succeed-  
37 ing the date upon which it shall have become a law.