

8494

I N A S S E M B L Y

January 17, 2014

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation
to requiring health care insurers to offer coverage for health care
provided by out-of-network providers

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. (A) An insurer that is
4 subject to this article and requires or provides for designation by an
5 insured of a participating primary care provider shall permit the
6 insured to designate any participating primary care provider who is
7 available to accept such individual, and in the case of a child, shall
8 permit the insured to designate a physician (allopathic or osteopathic)
9 who specializes in pediatrics as the child's primary care provider if
10 such provider participates in the network of the insurer.
11 (B) EVERY INSURER THAT OFFERS HEALTH INSURANCE AND IS SUBJECT TO THE
12 PROVISIONS OF THIS ARTICLE, SHALL OFFER OUT-OF-NETWORK COVERAGE AS AN
13 OPTIONAL RIDER TO ANY POLICY AND SHALL OFFER AT LEAST ONE POLICY OPTION
14 THAT INCLUDES OUT-OF-NETWORK COVERAGE. THESE OPTIONS SHALL BE MADE
15 AVAILABLE BOTH WITHIN THE STATEWIDE HEALTH BENEFIT EXCHANGE AND OUTSIDE
16 OF THE HEALTH BENEFIT EXCHANGE.
17 S 2. Section 4306-d of the insurance law, as added by chapter 219 of
18 the laws of 2011, is amended to read as follows:
19 S 4306-d. Choice of health care provider. (A) A corporation that is
20 subject to the provisions of this article and requires or provides for
21 designation by a subscriber of a participating primary care provider
22 shall permit the subscriber to designate any participating primary care
23 provider who is available to accept such individual, and in the case of
24 a child, shall permit the subscriber to designate a physician (allopath-
25 ic or osteopathic) who specializes in pediatrics as the child's primary
26 care provider if such provider participates in the network of the corpo-
27 ration.

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

LBD13166-03-3

1 (B) EVERY CORPORATION THAT IS SUBJECT TO THE PROVISIONS OF THIS ARTI-
2 CLE, SHALL OFFER OUT-OF-NETWORK COVERAGE AS AN OPTIONAL RIDER TO ANY
3 CONTRACT AND SHALL OFFER AT LEAST ONE CONTRACT OPTION THAT INCLUDES
4 OUT-OF-NETWORK COVERAGE. THESE OPTIONS SHALL BE MADE AVAILABLE BOTH
5 WITHIN THE STATEWIDE HEALTH BENEFIT EXCHANGE AND OUTSIDE OF THE HEALTH
6 BENEFIT EXCHANGE.

7 S 3. Section 4403 of the public health law is amended by adding a new
8 subdivision 9 to read as follows:

9 9. EVERY HEALTH MAINTENANCE ORGANIZATION SHALL OFFER OUT-OF-NETWORK
10 COVERAGE AS AN OPTIONAL RIDER TO ANY CONTRACT AND SHALL OFFER AT LEAST
11 ONE CONTRACT OPTION THAT INCLUDES OUT-OF-NETWORK COVERAGE. THESE OPTIONS
12 SHALL BE MADE AVAILABLE BOTH WITHIN THE STATEWIDE HEALTH BENEFIT
13 EXCHANGE AND OUTSIDE OF THE HEALTH BENEFIT EXCHANGE.

14 S 4. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law, and shall apply to
16 contracts and policies issued, renewed, modified or amended on or after
17 such date.