

3541

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

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

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

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1 FORM OF A JOINT CHECK SPECIFYING AS PAYEES BOTH THE INSURED AND THE
2 PROVIDER OF AMBULANCE SERVICES, AT THE USUAL AND CUSTOMARY CHARGE, WHICH
3 SHALL NOT BE EXCESSIVE OR UNREASONABLE; PROVIDED HOWEVER, IF THE PROVID-
4 ER OF AMBULANCE SERVICES HAS ON FILE A DULY EXECUTED ASSIGNMENT OF BENE-
5 FITS FOR SUCH SERVICES TO THE INSURER, NOTWITHSTANDING ANY POLICY
6 LANGUAGE TO THE CONTRARY, THE INSURER SHALL ACCEPT SUCH ASSIGNMENT OF
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8 ER. AN INSURER ISSUING PAYMENT IN THE FORM OF A JOINT CHECK SHALL NOTIFY
9 THE PROVIDER VIA ELECTRONIC COMMUNICATION OF THE ISSUANCE OF SUCH
10 PAYMENT. THE NOTIFICATION SHALL INCLUDE THE NAME OF THE PATIENT, THE
11 DATE OF SERVICE, THE DATE OF PAYMENT, THE AMOUNT OF PAYMENT AND THE
12 ADDRESS TO WHICH THE PAYMENT WAS SENT.

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

15 (6) AN INSURER WHO ISSUES REIMBURSEMENT UNDER THIS PARAGRAPH SHALL
16 SUBMIT SUCH PAYMENTS EITHER DIRECTLY TO THE PROVIDER AT THE RATES NEGO-
17 TIATED BETWEEN THE PROVIDER AND THE INSURER, OR IF NO RATE HAS BEEN
18 NEGOTIATED BETWEEN THE PROVIDER AND INSURER, THEN TO THE INSURED IN THE
19 FORM OF A JOINT CHECK SPECIFYING AS PAYEES BOTH THE INSURED AND THE
20 PROVIDER OF AMBULANCE SERVICES, AT THE USUAL AND CUSTOMARY CHARGE, WHICH
21 SHALL NOT BE EXCESSIVE OR UNREASONABLE; PROVIDED HOWEVER, IF THE PROVID-
22 ER OF AMBULANCE SERVICES HAS ON FILE A DULY EXECUTED ASSIGNMENT OF BENE-
23 FITS FOR SUCH SERVICES TO THE INSURER, NOTWITHSTANDING ANY POLICY
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25 BENEFITS AND THE INSURER SHALL ISSUE REIMBURSEMENT SOLELY TO THE PROVID-
26 ER. AN INSURER ISSUING PAYMENT IN THE FORM OF A JOINT CHECK SHALL NOTIFY
27 THE PROVIDER VIA ELECTRONIC COMMUNICATION OF THE ISSUANCE OF SUCH
28 PAYMENT. THE NOTIFICATION SHALL INCLUDE THE NAME OF THE PATIENT, THE
29 DATE OF SERVICE, THE DATE OF PAYMENT, THE AMOUNT OF PAYMENT AND THE
30 ADDRESS TO WHICH THE PAYMENT WAS SENT.

31 S 4. This act shall take effect immediately.