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

4265

2013-2014 Regular Sessions

I N S E N A T E

March 18, 2013

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to physician charges for missed appointments by patients

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

Section 1. The public health law is amended by adding a new section 19-a to read as follows:

S 19-A. PHYSICIAN CHARGES FOR MISSED APPOINTMENTS OF PATIENTS; LIMITATION AND DISCLOSURE. 1. NO PHYSICIAN LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW SHALL CHARGE ANY PATIENT A FEE OR OTHER CHARGE FOR FAILING TO APPEAR AT THE APPOINTED TIME OF A SCHEDULED APPOINTMENT WHERE THE PHYSICIAN'S OFFICE HAS RECEIVED NOTICE OF A CANCELLATION OR A CHANGE OF THE APPOINTMENT AT LEAST ONE HOUR IN ADVANCE OF THE SCHEDULED APPOINTMENT.

2. IN ANY CASE WHERE A PHYSICIAN'S POLICY IS TO CHARGE A FEE FOR MISSED PATIENT APPOINTMENTS, ADVANCE WRITTEN NOTICE OF THE TERMS OF SUCH POLICY SHALL BE PROMINENTLY POSTED IN THE PATIENT WAITING ROOM OF THE PHYSICIAN'S OFFICE AND PERIODICALLY INCLUDED WITH BILLS MAILED TO PATIENTS. NO FEE FOR MISSED PATIENT APPOINTMENTS MAY BE CHARGED IN THE ABSENCE OF SUCH ADVANCE WRITTEN NOTICE BEING GIVEN TO THE PATIENT.

3. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO AUTHORIZE A PHYSICIAN TO CHARGE A FEE FOR MISSED PATIENT APPOINTMENTS IF SUCH CHARGE IS OTHERWISE PROHIBITED BY LAW, REGULATION, RULE OR PRACTICE OR DEEMED TO BE UNETHICAL.

4. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, A PHYSICIAN WHO IS DETERMINED, AFTER OPPORTUNITY FOR A HEARING, TO HAVE VIOLATED THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT FOR THE FIRST VIOLATION TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS NOR LESS THAN THE GREATER OF THREE TIMES THE AMOUNT COLLECTED, OR, IF NOT COLLECTED, THREE TIMES THE AMOUNT CHARGED, IN CONTRAVENTION TO ANY PROHIBITION SET

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

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FORTH IN THIS SECTION, AND, FOR EACH ADDITIONAL VIOLATION COMMITTED WITHIN FIVE YEARS OF THE DATE OF AN IMMEDIATELY PRECEDING VIOLATION OF THIS SECTION, TO A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS NOR LESS THAN THE GREATER OF ONE THOUSAND DOLLARS OR THREE TIMES THE AMOUNT COLLECTED, OR, IF NOT COLLECTED, THREE TIMES THE AMOUNT CHARGED, IN CONTRAVENTION TO ANY PROHIBITION SET FORTH IN THIS SECTION; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE FINE FOR AN INDIVIDUAL VIOLATION OF THIS SECTION BE GREATER THAN FIVE THOUSAND DOLLARS. IN ADDITION, WHERE THE PROVISIONS OF THIS SECTION HAVE BEEN VIOLATED, THE PHYSICIAN SHALL REFUND TO THE PATIENT THE AMOUNT COLLECTED AS A FEE FOR A MISSED PATIENT APPOINTMENT.

S 2. This act shall take effect on the first of the calendar month next succeeding the sixtieth day after it shall have become a law and shall apply to all appointments scheduled to occur on or after its effective date no matter when made.