

1308

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the insurance law, in relation to requiring medical
insurers to permit patients to assign their payment

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 30 to read as follows:

3 (30) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR
4 COMPREHENSIVE-TYPE COVERAGE SHALL PERMIT A PATIENT TO ASSIGN HIS OR HER
5 PAYMENT TO THE PROVIDER OF SUCH HOSPITAL, SURGICAL OR MEDICAL SERVICES,
6 REGARDLESS OF WHETHER THE PROVIDER IS IN THE NETWORK OF HEALTH CARE
7 PROVIDERS OFFERED BY THE INSURER ISSUING THE POLICY, PROVIDED THAT THE
8 SERVICES RENDERED TO THE PATIENT BY THE PROVIDER ARE OTHERWISE COVERED
9 UNDER THE POLICY.

10 S 2. Section 3221 of the insurance law is amended by adding a new
11 subsection (s) to read as follows:

12 (S) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN
13 THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL
14 PERMIT A PATIENT TO ASSIGN HIS OR HER PAYMENT TO THE PROVIDER OF SUCH
15 HOSPITAL, SURGICAL OR MEDICAL SERVICES, REGARDLESS OF WHETHER THE
16 PROVIDER IS IN THE NETWORK OF HEALTH CARE PROVIDERS OFFERED BY THE
17 INSURER ISSUING THE POLICY, PROVIDED THAT THE SERVICES RENDERED TO THE
18 PATIENT BY THE PROVIDER ARE OTHERWISE COVERED UNDER THE POLICY.

19 S 3. Section 3224-a of the insurance law is amended by adding a new
20 subsection (j) to read as follows:

21 (J) WHERE PAYMENT FOR ANY PORTION OF A CLAIM IS MADE DIRECTLY TO A
22 HEALTH CARE PROVIDER, SUCH INSURER OR ORGANIZATION OR CORPORATION SHALL
23 PROVIDE AT THE TIME PAYMENT IS MADE WRITTEN NOTIFICATION OF SUCH PAYMENT
24 TO THE POLICYHOLDER WHO RENDERED THE SERVICE FOR WHICH THE CLAIM WAS

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

LBD00416-01-3

1 PAID. SUCH NOTIFICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE AMOUNT
2 PAID TO THE HEALTH CARE PROVIDER, THE PERCENTAGE OF THE TOTAL CLAIM
3 REPRESENTED BY THE PAYMENT, THE SERVICES FOR WHICH PAYMENT WAS MADE, THE
4 HEALTH CARE PROVIDER PROVIDING THOSE SERVICES AND THE CALCULATIONS FOR
5 PAYMENT, BY SERVICE PROVIDED, INCLUDING CO-PAYMENTS, DEDUCTIBLES,
6 SURCHARGES AND FEE SCHEDULES.

7 S 4. Section 4303 of the insurance law is amended by adding a new
8 subsection (a-1) to read as follows:

9 (A-1) EVERY CONTRACT ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION
10 OR HEALTH SERVICE CORPORATION WHICH PROVIDES MEDICAL, MAJOR MEDICAL OR
11 SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PERMIT A PATIENT TO ASSIGN HIS
12 OR HER BENEFITS TO THE PROVIDER OF SUCH HOSPITAL, SURGICAL OR MEDICAL
13 SERVICES, REGARDLESS OF WHETHER THE PROVIDER IS IN THE NETWORK OF HEALTH
14 CARE PROVIDERS OFFERED BY THE INSURER ISSUING THE POLICY, PROVIDED THAT
15 THE SERVICES RENDERED TO THE PATIENT BY THE PROVIDER ARE OTHERWISE
16 COVERED UNDER THE POLICY.

17 S 5. This act shall take effect on the ninetieth day after it shall
18 have become a law and shall apply to policies and contracts issued,
19 renewed, modified, altered or amended on or after such date.