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

235

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3217-e of the insurance law, as added by chapter 219 of the laws of 2011, is amended to read as follows:

S 3217-e. Choice of health care provider. An insurer that is subject to this article and requires or provides for designation by an insured of a participating primary care provider shall permit the insured to designate any participating primary care provider who is available to accept such individual, and in the case of a child, shall permit the insured to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the insurer. NO INSURER SUBJECT TO THIS ARTICLE SHALL CAUSE A DISRUPTION IN HEALTH CARE SERVICES BY REQUIRING THAT AN INSURED RECEIVE SERVICES FROM A SPECIFIC PRIMARY CARE PROVIDER; PROVIDED HOWEVER, NOTHING HEREIN SHALL RESTRICT AN INSURER FROM REQUIRING AN INSURED TO SELECT A PRIMARY CARE PROVIDER FROM WITHIN THE INSURER'S NETWORK OF PARTICIPATING PROVIDERS. IT SHALL NOT BE CONSIDERED TO BE A DISRUPTION OF HEALTH CARE SERVICES WHEN AN INSURER SUBJECT TO THIS ARTICLE IS AUTHORIZED BY LAW, RULE, OR REGULATION TO SELECT A PRIMARY CARE PROVIDER ON BEHALF OF THE INSURED WHEN SUCH INSURED HAS NOT MADE SUCH SELECTION IN A TIMELY MANNER.

S 2. Section 4306-d of the insurance law, as added by chapter 219 of the laws of 2011, is amended to read as follows:

S 4306-d. Choice of health care provider. A corporation that is 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.

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

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

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

S 4. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.