

8979

I N A S S E M B L Y

March 6, 2014

Introduced by M. of A. SCHIMMINGER -- read once and referred to the
Committee on Health

AN ACT to amend the public health law and the insurance law, in relation
to improper practices relating to staff membership or professional
privileges of a physician and board certification

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

1 Section 1. Subdivision 1 of section 2801-b of the public health law,
2 as amended by chapter 605 of the laws of 2008, is amended to read as
3 follows:
4 1. It shall be an improper practice for the governing body of a hospi-
5 tal to refuse to act upon an application for staff membership or profes-
6 sional privileges or to deny or withhold from a physician, podiatrist,
7 optometrist, dentist or licensed midwife staff membership or profes-
8 sional privileges in a hospital, or to exclude or expel a physician,
9 podiatrist, optometrist, dentist or licensed midwife from staff member-
10 ship in a hospital or curtail, terminate or diminish in any way a physi-
11 cian's, podiatrist's, optometrist's, dentist's or licensed midwife's
12 professional privileges in a hospital, without stating the reasons
13 therefor, or if the reasons stated are unrelated to standards of patient
14 care, patient welfare, the objectives of the institution or the charac-
15 ter or competency of the applicant. It shall be an improper practice for
16 a governing body of a hospital to refuse to act upon an application or
17 to deny or to withhold staff membership or professional privileges to a
18 podiatrist based solely upon a practitioner's category of licensure. IT
19 SHALL BE AN IMPROPER PRACTICE FOR A GOVERNING BODY OF A HOSPITAL TO
20 REFUSE TO ACT UPON AN APPLICATION OR TO DENY OR TO WITHHOLD STAFF
21 MEMBERSHIP OR PROFESSIONAL PRIVILEGES OF A PHYSICIAN SOLELY BECAUSE SUCH
22 PHYSICIAN IS NOT BOARD-CERTIFIED.
23 S 2. Paragraph (a) of subdivision 1 of section 4406-d of the public
24 health law, as amended by chapter 237 of the laws of 2009, is amended to
25 read as follows:
26 (a) A health care plan shall, upon request, make available and
27 disclose to health care professionals written application procedures and

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

LBD14123-01-4

1 minimum qualification requirements which a health care professional must
2 meet in order to be considered by the health care plan. The plan shall
3 consult with appropriately qualified health care professionals in devel-
4 oping its qualification requirements. A health care plan shall complete
5 review of the health care professional's application to participate in
6 the in-network portion of the health care plan's network and shall,
7 within ninety days of receiving a health care professional's completed
8 application to participate in the health care plan's network, notify the
9 health care professional as to: (i) whether he or she is credentialed;
10 or (ii) whether additional time is necessary to make a determination in
11 spite of the health care plan's best efforts or because of a failure of
12 a third party to provide necessary documentation, or non-routine or
13 unusual circumstances require additional time for review. In such
14 instances where additional time is necessary because of a lack of neces-
15 sary documentation, a health plan shall make every effort to obtain such
16 information as soon as possible. A HEALTH CARE PLAN MAY NOT REFUSE TO
17 APPROVE AN APPLICATION FROM A PHYSICIAN TO PARTICIPATE IN THE IN-NETWORK
18 PORTION OF THE HEALTH CARE PLAN'S NETWORK SOLELY BECAUSE SUCH PHYSICIAN
19 IS NOT BOARD-CERTIFIED.

20 S 3. Paragraph 1 of subsection (a) of section 4803 of the insurance
21 law, as amended by chapter 237 of the laws of 2009, is amended to read
22 as follows:

23 (1) An insurer which offers a managed care product shall, upon
24 request, make available and disclose to health care professionals writ-
25 ten application procedures and minimum qualification requirements which
26 a health care professional must meet in order to be considered by the
27 insurer for participation in the in-network benefits portion of the
28 insurer's network for the managed care product. The insurer shall
29 consult with appropriately qualified health care professionals in devel-
30 oping its qualification requirements for participation in the in-network
31 benefits portion of the insurer's network for the managed care product.
32 An insurer shall complete review of the health care professional's
33 application to participate in the in-network portion of the insurer's
34 network and, within ninety days of receiving a health care profes-
35 sional's completed application to participate in the insurer's network,
36 will notify the health care professional as to: (A) whether he or she is
37 credentialed; or (B) whether additional time is necessary to make a
38 determination in spite of the insurer's best efforts or because of a
39 failure of a third party to provide necessary documentation, or non-
40 routine or unusual circumstances require additional time for review. In
41 such instances where additional time is necessary because of a lack of
42 necessary documentation, an insurer shall make every effort to obtain
43 such information as soon as possible. AN INSURER MAY NOT REFUSE TO
44 APPROVE AN APPLICATION FROM A PHYSICIAN FOR PARTICIPATION IN THE IN-NET-
45 WORK PORTION OF THE INSURER'S NETWORK SOLELY BECAUSE SUCH PHYSICIAN IS
46 NOT BOARD-CERTIFIED.

47 S 4. This act shall take effect immediately.