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

1327

2015-2016 Regular Sessions

I N  A S S E M B L Y

January 9, 2015

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

AN ACT to amend the public health law and the insurance law, in relation to requiring health maintenance organizations to cover court ordered health care services

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

Section 1. Section 4406-c of the public health law is amended by adding a new subdivision 9 to read as follows:

9. A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED BY A PHYSICIAN IF:

(A) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTIFIES THAT FURTHER SERVICES ARE NECESSARY;

(B) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND

(C) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN.

ANY SUCH HEALTH CARE SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMINATION BY THE HEALTH CARE PLAN.

S 2. Section 3217-b of the insurance law is amended by adding a new subsection (k) to read as follows:

(K) A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED BY A PHYSICIAN IF:

(1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTIFIES THAT FURTHER SERVICES ARE NECESSARY;

(2) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND

(3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN. ANY SUCH HEALTH CARE

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

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SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMINATION BY THE HEALTH CARE PLAN.

S 3. Section 4325 of the insurance law is amended by adding a new subsection (l) to read as follows:

(L) A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED BY A PHYSICIAN IF:

(1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTIFIES THAT FURTHER SERVICES ARE NECESSARY;

(2) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND

(3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN. ANY SUCH HEALTH CARE SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMINATION BY THE HEALTH CARE PLAN.

S 4. This act shall take effect July 1, 2016.