

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 4406-c of the public health law is amended by
2 adding a new subdivision 9 to read as follows:
3 9. A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A
4 COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED
5 BY A PHYSICIAN IF:
6 (A) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-
7 FIES THAT FURTHER SERVICES ARE NECESSARY;
8 (B) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE
9 COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND
10 (C) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING
11 HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN.
12 ANY SUCH HEALTH CARE SERVICE SHALL NOT BE SUBJECT TO A SEPARATE
13 MEDICAL NECESSITY DETERMINATION BY THE HEALTH CARE PLAN.
14 S 2. Section 3217-b of the insurance law is amended by adding a new
15 subsection (k) to read as follows:
16 (K) A HEALTH CARE PLAN MUST COVER HEALTH CARE SERVICES ORDERED BY A
17 COURT OF COMPETENT JURISDICTION ON THE BASIS OF AN EVALUATION PERFORMED
18 BY A PHYSICIAN IF:
19 (1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-
20 FIES THAT FURTHER SERVICES ARE NECESSARY;
21 (2) THE HEALTH CARE SERVICES THAT ARE THE SUBJECT OF THE PROSPECTIVE
22 COURT ORDER ARE A COVERED BENEFIT OF THE HEALTH CARE PLAN; AND
23 (3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING
24 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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1 SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMI-
2 NATION BY THE HEALTH CARE PLAN.

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

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

8 (1) THE EVALUATION IS PERFORMED BY A PARTICIPATING PROVIDER WHO CERTI-
9 FIES THAT FURTHER SERVICES ARE NECESSARY;

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

12 (3) THE HEALTH CARE SERVICES ARE TO BE PROVIDED BY A PARTICIPATING
13 HEALTH CARE PROVIDER OF THE HEALTH CARE PLAN. ANY SUCH HEALTH CARE
14 SERVICE SHALL NOT BE SUBJECT TO A SEPARATE MEDICAL NECESSITY DETERMI-
15 NATION BY THE HEALTH CARE PLAN.

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