

10268

I N A S S E M B L Y

May 19, 2016

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

AN ACT to amend the insurance law, in relation to preventing plans from
denying treatment due to lack of pre-authorization

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

1 Section 1. Section 3238 of the insurance law is amended by adding a
2 new subsection (c-1) to read as follows:
3 (C-1) IF A HEALTH PLAN DENIES PAYMENT FOR THE TREATMENT OF CONCURRENT
4 SYMPTOMS OR SIDE EFFECTS DUE TO LACK OF PRE-AUTHORIZATION AND SUCH
5 TREATMENT IS RENDERED AT THE SAME TIME AS A HEALTH CARE SERVICE FOR
6 WHICH PRE-AUTHORIZATION WAS REQUIRED AND RECEIVED, UPON THE APPEAL OF
7 THE THE DENIAL, THE DENIAL OF ANY SUCH SERVICE SHALL BE UPHELD ONLY IF
8 IT IS DETERMINED THAT:
9 (1) THE TREATMENT IS NOT A COVERED BENEFIT;
10 (2) THE TREATMENT WAS NOT MEDICALLY NECESSARY PURSUANT TO SECTION FOUR
11 THOUSAND NINE HUNDRED FOUR OF THIS CHAPTER OR SECTION FOUR THOUSAND NINE
12 HUNDRED FOUR OF THE PUBLIC HEALTH LAW;
13 (3) THE TREATMENT WAS EXPERIMENTAL OR INVESTIGATIONAL PURSUANT TO
14 SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS CHAPTER OR SECTION FOUR
15 THOUSAND NINE HUNDRED FOUR OF THE PUBLIC HEALTH LAW; OR
16 (4) ON OF THE CONDITIONS SET FORTH IN PARAGRAPHS ONE THROUGH SIX OF
17 SUBSECTION (A) OF THIS SECTION IS MET.
18 S 2. This act shall take effect immediately.

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

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