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

1252

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

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

AN ACT to amend the insurance law, in relation to peer support programs for physicians, dentists, physician assistants and nurse practitioners

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

Section 1. The insurance law is amended by adding a new section 3436-a to read as follows:

S 3436-A. DISCLOSURE OF INFORMATION OBTAINED AND DISCUSSED WITHIN CERTAIN PEER SUPPORT PROGRAMS. (A) FOR THE PURPOSE OF THIS SECTION:

(1) "PEER SUPPORT PROGRAM" MEANS A PROGRAM IMPLEMENTED BY A DOMESTIC INSURER, AUTHORIZED TO DELIVER POLICIES OF MEDICAL MALPRACTICE INSURANCE WITHIN THE STATE, WHEREBY PHYSICIANS, DENTISTS, PHYSICIAN ASSISTANTS OR NURSE PRACTITIONERS PARTICIPATE IN GROUP OR INDIVIDUAL SUPPORT MEETINGS, IN PERSON OR BY TELEPHONE, FOR THE PURPOSE OF ASSISTING THE PHYSICIAN, DENTIST, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER WITH ALL ISSUES ASSOCIATED WITH EMOTIONAL HEALING AND WELLNESS.

(2) "PEER SUPPORT MEETING" MEANS ANY MEETING OR TELEPHONE CONVERSATION THAT TAKES PLACE PURSUANT TO A PEER SUPPORT PROGRAM.

(3) "PEER" MEANS A PHYSICIAN, DENTIST, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER WHO PARTICIPATES IN A PEER SUPPORT MEETING.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO STATEMENT MADE BY ANY PERSON IN CONJUNCTION WITH A PEER SUPPORT PROGRAM OR DURING A PEER SUPPORT MEETING, INCLUDING BUT NOT LIMITED, TO ANY WRITING OR ELECTRONIC RECORD CREATED FOR THE PURPOSE OF ARRANGING, FACILITATING, CONVENING, CONDUCTING OR PRESERVING A PEER SUPPORT MEETING, OR ANY WRITING OR ELECTRONIC RECORD CREATED DURING SUCH MEETING OR IN CONJUNCTION WITH SUCH PROGRAM'S OPERATION, SHALL BE SUBJECT TO DISCLOSURE RULES UNDER ARTICLE THIRTY-ONE OF THE CIVIL PRACTICE LAW AND RULES OR OTHERWISE. NO PERSON PARTICIPATING IN, OR IN ATTENDANCE AT, A PEER SUPPORT MEETING OR WORKING IN CONJUNCTION WITH A PEER SUPPORT

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

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PROGRAM SHALL BE COMPELLED TO TESTIFY IN ANY JUDICIAL OR QUASI-JUDICIAL PROCEEDING AS TO THE PEER SUPPORT MEETING OR PEER SUPPORT PROGRAM. ANY INSURED OR INSURER WHICH RELIES UPON THE PROTECTIONS AND PROHIBITIONS PROVIDED FOR IN THIS SUBSECTION SHALL NOT BE PERMITTED TO RELY UPON ANY TESTIMONY OF ANY PEER ARISING OUT OF PARTICIPATION IN A PEER SUPPORT PROGRAM OR PEER SUPPORT MEETING.

(C) THIS SECTION SHALL APPLY TO ALL ORAL COMMUNICATIONS, NOTES, RECORDS, REPORTS AND RECORDINGS ARISING OUT OF A PEER SUPPORT COUNSELING SESSION THAT ARE NOT PUBLIC RECORDS FOR THE PURPOSES OF THIS SECTION.

S 2. This shall take effect immediately.