

6491

I N   S E N A T E

January 20, 2016

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Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurers to provide insureds and covered persons the option to assign the payment of emergency services benefits directly to an out of network health care provider

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

1     Section 1. Subsection (c) of section 3241 of the insurance law, as  
2     added by section 6 of part H of chapter 60 of the laws of 2014, is  
3     amended to read as follows:  
4     (c) (1) When an insured or enrollee under a contract or policy that  
5     provides coverage for emergency services receives the services from a  
6     health care provider that does not participate in the provider network  
7     of an insurer, a corporation organized pursuant to article forty-three  
8     of this chapter, a municipal cooperative health benefit plan certified  
9     pursuant to article forty-seven of this chapter, a health maintenance  
10    organization certified pursuant to article forty-four of the public  
11    health law, or a student health plan established or maintained pursuant  
12    to section one thousand one hundred twenty-four of this chapter ("health  
13    care plan"), the health care plan shall ensure that the insured or  
14    enrollee shall (A) incur no greater out-of-pocket costs for the emergen-  
15    cy services than the insured or enrollee would have incurred with a  
16    health care provider that participates in the health care plan's provid-  
17    er network AND (B) PROVIDE THE INSURED OR ENROLLEE THE OPTION OF ASSIGN-  
18    ING THE PAYMENT OF ANY BENEFITS DUE UNDER SUCH CONTRACT OR POLICY  
19    DIRECTLY TO THE HEALTH CARE PROVIDER. WHENEVER, IN ANY HEALTH INSURANCE  
20    CLAIM FORM, AN INSURED OR ENROLLEE SPECIFICALLY AUTHORIZES THE PAYMENT  
21    OF BENEFITS DIRECTLY TO A HEALTH CARE PROVIDER, THE HEALTH CARE PLAN  
22    SHALL MAKE SUCH PAYMENT TO THE HEALTH CARE PROVIDER. (2) For the  
23    purpose of this section, "emergency services" shall have the meaning set  
24    forth in subparagraph (D) of paragraph nine of subsection (i) of section  
25    three thousand two hundred sixteen of this article, subparagraph (D) of  
26    paragraph four of subsection (k) of section three thousand two hundred

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

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1 twenty-one of this article, and subparagraph (D) of paragraph two of  
2 subsection (a) of section four thousand three hundred three of this  
3 chapter.  
4 S 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.