

# STATE OF NEW YORK

1529--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 12, 2017

Introduced by M. of A. JENNE, DiPIETRO, STECK, WOERNER -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the public health law, in relation to provider credentialing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subsection (a) of section 4803 of the insurance law is amended by adding a new paragraph 3 to read as follows:

(3) A newly-licensed physician, a physician who has recently relocated to this state from another state and has not previously practiced in this state, or a physician who has changed his or her corporate relationship such that it results in the issuance of a new tax identification number under which such physician's services are billed for, who is employed by a general hospital licensed pursuant to article twenty-eight of the public health law, and whose other employed physicians participate in the in-network portion of an insurer's network, shall be deemed "provisionally credentialed" and may participate in the in-network portion of an insurer's network upon : (i) the insurer's receipt of the hospital and physician's completed sections of the insurer's credentialing application; and (ii) the insurer being notified in writing that the health care professional has been granted hospital privileges pursuant to their requirements of section twenty-eight hundred five-k of the public health law. However, a provisionally credentialed physician shall not be designated as an insured's primary care physician until such time as the physician has been fully credentialed by the insurer. An insurer shall not be required to make any payments to the licensed general hospital for services provided by a provisionally credentialed physician, until and unless the physician is fully credentialed by the insurer, provided, however, that upon being fully credentialed, the licensed

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

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1 general hospital shall be paid for all services that the credentialed  
2 physician provided to the insurer's insureds from the date the physician  
3 fully met the requirements to be provisionally credentialed pursuant to  
4 this paragraph. Should the application ultimately be denied by the  
5 insurer, the insurer shall not be liable for any payment to the licensed  
6 general hospital for the services provided by the provisionally creden-  
7 tialed health care professional that exceed any out-of-network benefits  
8 payable under the insured's contract with the insurer; and the licensed  
9 general hospital shall not pursue reimbursement from the insured, except  
10 to collect the copayment or coinsurance that otherwise would have been  
11 payable had the insured received services from a health care profes-  
12 sional participating in the in-network portion of an insurer's network.

13 § 2. Subdivision 1 of section 4406-d of the public health law is  
14 amended by adding a new paragraph (c) to read as follows:

15 (c) A newly-licensed physician, a physician who has recently relocated  
16 to this state from another state and has not previously practiced in  
17 this state, or a physician who has changed his or her corporate  
18 relationship such that it results in the issuance of a new tax identifi-  
19 cation number under which such physician's services are billed for, who  
20 is employed by a general hospital licensed pursuant to article twenty-  
21 eight of this chapter, and whose other employed physicians participate  
22 in the in-network portion of a health care plan's network, shall be  
23 deemed "provisionally credentialed" and may participate in the in-net-  
24 work portion of a health care plan's network upon: (i) the plan's  
25 receipt of the hospital and physician's completed section of the plan's  
26 credentialing application; and (ii) the health care plan being notified  
27 in writing that the health care professional has been granted hospital  
28 privilege pursuant to the requirements of section twenty-eight hundred  
29 five-k of this chapter. However, a provisionally credentialed physician  
30 shall not be designated as an enrollee's primary care physician until  
31 such time as the physician has been fully credentialed by the health  
32 care plan. A health care plan shall not be required to make any payments  
33 to the licensed general hospital for services provided by a provi-  
34 sionally credentialed physician, until and unless the physician is fully  
35 credentialed by the health care plan, provided however that upon being  
36 fully credentialed, the licensed general hospital shall be paid for all  
37 services that the credentialed physician provided to the health plan's  
38 enrollees from the date the physician fully met the requirements to be  
39 provisionally credentialed pursuant to this paragraph. Should the appli-  
40 cation ultimately be denied by the health care plan, the health care  
41 plan shall not be liable for any payment to the licensed general hospi-  
42 tal for the services provided by the provisionally credentialed health  
43 care professional that exceed any out-of-network benefits payable under  
44 the enrollee's contract with the health care plan and the licensed  
45 general hospital shall not pursue reimbursement from the enrollee,  
46 except to collect the copayment or coinsurance that otherwise would have  
47 been payable had the enrollee received services from a health care  
48 professional participating in the in-network portion of an insurer's  
49 network.

50 § 3. This act shall take effect on the same date and in the same  
51 manner as chapter 425 of the laws of 2016, takes effect, and shall apply  
52 to applications submitted on or after such date and shall not apply to  
53 applications submitted prior to such date if such application is resub-  
54 mitted in substantially similar form on or after the effective date of  
55 this act.