STATE OF NEW YORK

378

2017-2018 Regular Sessions

IN ASSEMBLY

January 5, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the state medical indemnity fund; to amend a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, in relation to the effectiveness thereof; and to repeal subdivisions 2-a and 7-a of section 2999-j and section 2999-k of the public health law, relating to requests for denials of claims and denials of requests for prior authorizations and consumer and stakeholder workgroups

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

Section 1. Subdivisions 2-a and 7-a of section 2999-j of the public health law, as added by a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as proposed in legislative bills numbers S.7873-B and A.9835-B, are REPEALED.

§ 2. Paragraph (c) of subdivision 2 of section 2999-j of the public health law, as added by a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as proposed in legislative bills numbers S.7873-B and A.9835-B, is amended to read as follows:

(c) such regulations shall not prohibit qualifying health care costs on the grounds that the qualifying health care cost [~~is not limited to the direct need of the patient and~~] may *incidentally* benefit other members of the household*, provided that whether the qualifying health care cost primarily benefits the patient may be considered*.

§ 3. Subdivision 3 of section 2999-h of the public health law, as amended by a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as

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

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proposed in legislative bills numbers S.7873-B and A.9835-B, is amended to read as follows:

3. "Qualifying health care costs" means the future medical, hospital, surgical, nursing, dental, rehabilitation, habilitation, respite, custodial, durable medical equipment, home modifications, assistive technology, vehicle modifications, transportation for purposes of health care related appointments, prescription and non-prescription medications, and other health care costs actually incurred for services rendered to and supplies utilized by qualified plaintiffs, which are necessary to meet their health care needs, [~~**including providing therapeutic benefit,**~~] as determined by their treating physicians, physician assistants, or nurse practitioners and as otherwise defined by the commissioner in regulation.

§ 4. Section 2999-k of the public health law, as added by a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as proposed in legislative bills numbers S.7873-B and A.9835-B, is REPEALED.

§ 5. On or before April 1, 2017, the superintendent of financial services shall issue a report to the governor and the legislature addressing the financial condition of the state medical indemnity fund, the future solvency of such fund, and any issues relating to the operation of such fund that the superintendent, in his or her sole discretion, elects to include in the report. In preparing the report, the superintendent may consult with qualified plaintiffs, representatives of qualified plaintiffs, and physicians, advocates, and other interested parties.

§ 6. Section 5 of a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as proposed in legislative bills numbers S.7873-B and A.9835-B, is amended to read as follows:

§ 5. This act shall take effect on the forty-fifth day after it shall have become a law**, provided that the amendments to subdivision 4 of section 2999-j of the public health law made by section two of this act shall take effect on June 30, 2017 and shall expire and be deemed repealed December 31, 2019**.

§ 7. This act shall take effect immediately; provided, however, that sections one, two, three and four of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2016, amending the public health law relating to payments from the New York state medical indemnity fund, as proposed in legislative bills numbers S.7873-B and A.9835-B, takes effect.