

STATE OF NEW YORK

6948--A

2017-2018 Regular Sessions

IN SENATE

November 17, 2017

Introduced by Sens. HANNON, SEWARD, LARKIN, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing an office of the state medical indemnity fund ombudsman and a medical indemnity fund advisory panel

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

1 Section 1. Title 4 of article 29-D of the public health law is amended
2 by adding two new sections 2999-k and 2999-l to read as follows:

3 § 2999-k. Medical indemnity fund ombudsman. 1. There is hereby estab-
4 lished an office of the state medical indemnity fund ombudsman for the
5 purpose of receiving and resolving complaints affecting qualified plain-
6 tiffs, where appropriate, referring such complaints to the appropriate
7 agencies and acting in concert with such agencies. The commissioner, in
8 consultation with the superintendent of financial services, shall
9 appoint a full-time medical indemnity fund ombudsman to administer and
10 supervise the office of the state medical indemnity fund ombudsman. The
11 medical indemnity fund ombudsman shall be selected from among individ-
12 uals with expertise and experience in the field of neurological injuries
13 and advocacy, and with such other qualifications as shall be determined
14 by the commissioner, in consultation with the superintendent of finan-
15 cial services. Such ombudsman may, with approval of the commissioner, in
16 consultation with the superintendent of financial services, appoint one
17 or more authorized deputies to assist in his or her duties pursuant to
18 this section; provided, however, that no such deputy shall have any
19 conflict of interest, or be employed by the fund administrator or other

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

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1 party involved in the management of the fund. The medical indemnity fund
2 ombudsman shall, personally or through authorized deputies:

3 (a) identify, investigate and resolve complaints that are made by or
4 on behalf of qualified plaintiffs, and that relate to actions, inactions
5 or decisions that may adversely affect the health, safety, welfare or
6 rights of qualified plaintiffs;

7 (b) provide services to assist qualified plaintiffs, or their repre-
8 sentatives, in navigating the fund and understanding the fund's regu-
9 lations, guidelines and procedures;

10 (c) inform qualified plaintiffs, or their representatives, of their
11 rights and means of obtaining the services, supplies and modifications
12 to which they are entitled;

13 (d) analyze and monitor implementation of the laws and regulations
14 relating to the fund; and

15 (e) carry out other such activities as the commissioner, in consulta-
16 tion with the superintendent of financial services, shall determine
17 appropriate.

18 2. Neither the medical indemnity fund ombudsman, nor any of his or her
19 deputies shall disclose to any person outside the office of the state
20 medical indemnity fund ombudsman any information obtained from a quali-
21 fied plaintiff's records without the consent of the qualified plaintiff
22 or his or her representative.

23 3. Within one year of the effective date of this section, and annually
24 thereafter, the medical indemnity fund ombudsman shall submit to the
25 commissioner, the superintendent of financial services, the speaker of
26 the assembly and the temporary president of the senate, a report which
27 shall include, but not be limited to, a detailed summary of the activ-
28 ities of the office of the state medical indemnity fund ombudsman, data
29 regarding the complaints and issues within the fund, the process used in
30 resolving issues, and recommendations for legislative or regulatory
31 amendments to improve the fund.

32 § 2999-1. Medical indemnity fund advisory panel. There is hereby
33 established an advisory panel to be comprised of the commissioner, the
34 superintendent of financial services, qualified plaintiffs or represen-
35 tatives of qualified plaintiffs, physicians, medical suppliers, advo-
36 cates and other interested parties. The advisory panel shall be
37 co-chaired by the commissioner and the superintendent of financial
38 services, and shall be composed of not less than nine additional members
39 appointed by the governor, of which two shall be appointed upon recom-
40 mendation of the temporary president of the senate and two shall be
41 appointed upon the recommendation of the speaker of the assembly. The
42 advisory panel shall meet biannually, with the first meeting occurring
43 within one hundred eighty days of the effective date of this section, to
44 discuss the functioning of the fund and any relevant issues. The commis-
45 sioner and the superintendent of financial services shall consider the
46 input and comments of the advisory panel in drafting and amending regu-
47 lations, guidelines or policies pertaining to the fund administration.

48 § 2. This act shall take effect on the ninetieth day after it shall
49 have become a law; provided, however, that effective immediately, the
50 addition, amendment and/or repeal of any rule or regulation necessary
51 for the implementation of this act on its effective date are authorized
52 and directed to be made and completed on or before such effective date.