

# STATE OF NEW YORK

986

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

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

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:

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5 A.9835-B, are REPEALED.

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

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

16 § 3. Subdivision 3 of section 2999-h of the public health law, as  
17 amended by a chapter of the laws of 2016, amending the public health law  
18 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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1 proposed in legislative bills numbers S.7873-B and A.9835-B, is amended  
2 to read as follows:

3 3. "Qualifying health care costs" means the future medical, hospital,  
4 surgical, nursing, dental, rehabilitation, habilitation, respite, custo-  
5 dial, durable medical equipment, home modifications, assistive technolo-  
6 gy, vehicle modifications, transportation for purposes of health care  
7 related appointments, prescription and non-prescription medications, and  
8 other health care costs actually incurred for services rendered to and  
9 supplies utilized by qualified plaintiffs, which are necessary to meet  
10 their health care needs, [~~including providing therapeutic benefit,~~] as  
11 determined by their treating physicians, physician assistants, or nurse  
12 practitioners and as otherwise defined by the commissioner in regu-  
13 lation.

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

18 § 5. On or before April 1, 2017, the superintendent of financial  
19 services shall issue a report to the governor and the legislature  
20 addressing the financial condition of the state medical indemnity fund,  
21 the future solvency of such fund, and any issues relating to the opera-  
22 tion of such fund that the superintendent, in his or her sole  
23 discretion, elects to include in the report. In preparing the report,  
24 the superintendent may consult with qualified plaintiffs, represen-  
25 tatives of qualified plaintiffs, and physicians, advocates, and other  
26 interested parties.

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

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

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