

# STATE OF NEW YORK

10033

## IN ASSEMBLY

March 4, 2020

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

AN ACT to amend the public health law, in relation to the New York state of health transparency act

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

1 Section 1. This act shall be known and may be cited as the "New York  
2 State of Health Transparency Act".

3 § 2. Section 268-h of the public health law is renumbered section  
4 268-i and a new section 268-h is added to read as follows:

5 § 268-h. Marketplace transparency. The following information about  
6 each health plan offered for sale to consumers shall be available to  
7 consumers on the marketplace in a clear and understandable form for use  
8 in comparing plans, plan coverage, and plan premiums:

9 1. the ability to determine whether specific types of health care  
10 practitioners are in-network and to determine whether a named health  
11 care practitioner, hospital, or other provider is in network;

12 2. any exclusions from coverage and any restrictions on use or quanti-  
13 ty of covered items and services in each category of benefits;

14 3. a description of how medications will specifically be included in  
15 or excluded from the deductible, including a description of out-of-pock-  
16 et costs that may not apply to the deductible for a medication;

17 4. the specific dollar amount of any copay or percentage of coinsu-  
18 rance for each item or service;

19 5. the ability to determine whether a specific drug is available on  
20 formulary, the applicable cost-sharing requirement, whether a specific  
21 drug is covered when furnished by a physician or clinic and any clinical  
22 prerequisites or authorization requirements for coverage of a drug;

23 6. the process for a patient to obtain reversal of a health plan deci-  
24 sion where an item or service prescribed or ordered by the treating  
25 physician has been denied; and

26 7. an explanation of the amount of coverage for out-of-network provid-  
27 ers or non-covered services, and any rights of appeal that exist when

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

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1 out-of-network providers or non-covered services are medically neces-  
2 sary.

3 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
4 sion, or section of this act shall be adjudged by any court of competent  
5 jurisdiction to be invalid, such judgment shall not affect, impair, or  
6 invalidate the remainder thereof, but shall be confined in its operation  
7 to the clause, sentence, paragraph, subdivision, or section thereof  
8 directly involved in the controversy in which such judgment shall have  
9 been rendered. It is hereby declared to be the intent of the legislature  
10 that this act would have been enacted even if such invalid provisions  
11 had not been included herein.

12 § 4. This act shall take effect one year after it shall have become a  
13 law.