

# STATE OF NEW YORK

3059

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Insurance

AN ACT to amend the public health law and the insurance law, in relation  
to utilization review of coverage of nursing home care following an  
inpatient hospital admission

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

1 Section 1. Paragraphs (a) and (c) of subdivision 3 of section 4903 of  
2 the public health law, paragraph (a) as amended and paragraph (c) as  
3 added by chapter 41 of the laws of 2014, are amended to read as follows:  
4 (a) A utilization review agent shall make a determination involving  
5 continued or extended health care services, additional services for an  
6 enrollee undergoing a course of continued treatment prescribed by a  
7 health care provider, or requests for inpatient substance use disorder  
8 treatment, or nursing home care or home health care services following  
9 an inpatient hospital admission, and shall provide notice of such deter-  
10 mination to the enrollee or the enrollee's designee, which may be satis-  
11 fied by notice to the enrollee's health care provider, by telephone and  
12 in writing within one business day of receipt of the necessary informa-  
13 tion except, with respect to home health care services following an  
14 inpatient hospital admission, within seventy-two hours of receipt of the  
15 necessary information when the day subsequent to the request falls on a  
16 weekend or holiday and except, with respect to inpatient substance use  
17 disorder treatment or nursing home care, within twenty-four hours of  
18 receipt of the request for services when the request is submitted at  
19 least twenty-four hours prior to discharge from an inpatient admission.  
20 Notification of continued or extended services shall include the number  
21 of extended services approved, the new total of approved services, the  
22 date of onset of services and the next review date.  
23 (c) Provided that a request for inpatient treatment for substance use  
24 disorder or nursing home care is submitted to the utilization review

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

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1 agent at least twenty-four hours prior to discharge from an inpatient  
2 admission pursuant to this subdivision, a utilization review agent shall  
3 not deny, on the basis of medical necessity or lack of prior authori-  
4 zation, coverage for the inpatient substance use disorder treatment or  
5 nursing home care while a determination by the utilization review agent  
6 is pending.

7 § 2. Paragraphs 1 and 3 of subsection (c) of section 4903 of the  
8 insurance law, paragraph 1 as amended and paragraph 3 as added by chap-  
9 ter 41 of the laws of 2014, are amended to read as follows:

10 (1) A utilization review agent shall make a determination involving  
11 continued or extended health care services, additional services for an  
12 insured undergoing a course of continued treatment prescribed by a  
13 health care provider, or requests for inpatient substance use disorder  
14 treatment, or nursing home care or home health care services following  
15 an inpatient hospital admission, and shall provide notice of such deter-  
16 mination to the insured or the insured's designee, which may be satis-  
17 fied by notice to the insured's health care provider, by telephone and  
18 in writing within one business day of receipt of the necessary informa-  
19 tion except, with respect to home health care services following an  
20 inpatient hospital admission, within seventy-two hours of receipt of the  
21 necessary information when the day subsequent to the request falls on a  
22 weekend or holiday and except, with respect to inpatient substance use  
23 disorder treatment or nursing home care, within twenty-four hours of  
24 receipt of the request for services when the request is submitted at  
25 least twenty-four hours prior to discharge from an inpatient admission.  
26 Notification of continued or extended services shall include the number  
27 of extended services approved, the new total of approved services, the  
28 date of onset of services and the next review date.

29 (3) Provided that a request for inpatient treatment for substance use  
30 disorder or nursing home care is submitted to the utilization review  
31 agent at least twenty-four hours prior to discharge from an inpatient  
32 admission pursuant to this subsection, a utilization review agent shall  
33 not deny, on the basis of medical necessity or lack of prior authori-  
34 zation, coverage for the inpatient substance use disorder treatment or  
35 nursing home care while a determination by the utilization review agent  
36 is pending.

37 § 3. This act shall take effect on the ninetieth day after it shall  
38 have become a law.