

STATE OF NEW YORK

4236

2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

Introduced by M. of A. HEVESI, GLICK, JAFFEE, BARRON, COLTON, MOSLEY --
Multi-Sponsored by -- M. of A. COOK -- read once and referred to the
Committee on Social Services

AN ACT to amend the social services law, in relation to establishing
factors to be considered when a health care practitioner upon exam-
ination has a different opinion from an applicant's treating health
care practitioner's opinion as to an applicant's disability

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

Section 1. Section 332-b of the social services law is amended by
adding a new subdivision 4-b to read as follows:

4-b. In the event the practitioner to whom the individual is referred
pursuant to subdivision four or paragraph (b) of subdivision two of this
section issues an opinion that differs from the applicant's treating
health care practitioner's opinion, the applicant's treating health care
practitioner's opinion is generally controlling, subject to, but not
limited to, the following factors:

(a) the length and frequency of the treatment provided,

(b) consistency of the opinion with the record as a whole,

(c) the degree to which the opinion is supported by concrete evidence,
and

(d) the practitioner's specialty.

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

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

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