

# STATE OF NEW YORK

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873

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

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Introduced by Sens. RIVERA, SEPULVEDA -- read twice and ordered printed,  
and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurer recovery from  
health care providers

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

1 Section 1. Subsection (b) of section 3224-b of the insurance law is  
2 amended by adding two new paragraphs 6 and 7 to read as follows:

3 (6) A health plan shall not determine an overpayment amount through  
4 the use of extrapolation except with the consent of the health care  
5 provider, except where there is a reasonable belief of fraud or inten-  
6 tional misconduct.

7 (7) A health care plan may not threaten to sanction a health care  
8 provider including a report to a relevant disciplinary body as a result  
9 of a health care provider challenging an alleged overpayment except  
10 where there is a reasonable belief of fraud or intentional misconduct. A  
11 health care plan found to have violated this paragraph shall be subject  
12 to a fine of fifty thousand dollars per violation.

13 § 2. This act shall take effect immediately.

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

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