

STATE OF NEW YORK

6211--B

2019-2020 Regular Sessions

IN ASSEMBLY

March 4, 2019

Introduced by M. of A. MAGNARELLI, ZEBROWSKI, STIRPE, COOK, GOTTFRIED, WOERNER, FAHY, MOSLEY, FINCH, MONTESANO, SANTABARBARA, BLAKE, PEOPLES-STOKES, GALEF, COLTON, GUNTHER, OTIS, BRONSON, RAIA, HUNTER, JAFFEE -- Multi-Sponsored by -- M. of A. ARROYO, CROUCH, GANTT, HEVE-SI, JOHNS, KOLB, PERRY -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the insurance law, in relation to payments to prehospital emergency medical services providers

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

1 Section 1. Section 3224-a of the insurance law is amended by adding a
2 new subsection (k) to read as follows:

3 (k) Payments to nonparticipating or nonpreferred providers of ambulance services licensed under article thirty of the public health law.
4 (1) Except in a city with a population of one million or more persons,
5 whenever an insurer or an organization, or corporation licensed or
6 certified pursuant to article forty-three or forty-seven of this chapter
7 or article forty-four of the public health law provides that any health
8 care claims submitted under contracts or agreements issued or entered
9 into pursuant to this article or article forty-two, forty-three or
10 forty-seven of this chapter and article forty-four of the public health
11 law are payable to a participating or preferred provider of ambulance
12 services for services rendered, the insurer, organization, or corpo-
13 ration licensed or certified pursuant to article forty-three or forty-
14 seven of this chapter or article forty-four of the public health law
15 shall be required to pay such benefits either directly to any similarly
16 licensed nonparticipating or nonpreferred provider at the usual and
17 customary charge as defined under section three thousand two hundred
18

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

LBD00646-04-9

1 forty-one of this article, which shall not be excessive or unreasonable,
2 when the provider has rendered such services, has on file a duly
3 executed assignment of benefits, and has caused notice of such assign-
4 ment to be given to the insurer, organization, or corporation licensed
5 or certified pursuant to article forty-three or forty-seven of this
6 chapter or article forty-four of the public health law or jointly to
7 such nonparticipating or nonpreferred provider and to the insured,
8 subscriber, or other covered person; provided, however, that in either
9 case the insurer, organization, or corporation licensed or certified
10 pursuant to article forty-three or forty-seven of this chapter or arti-
11 cle forty-four of the public health law shall be required to send such
12 benefit payments directly to the provider who has the assignment on
13 file. When payment is made directly to a provider of ambulance services
14 as authorized by this section, the insurer, organization, or corporation
15 licensed or certified pursuant to article forty-three or forty-seven of
16 this chapter or article forty-four of the public health law shall give
17 written notice of such payment to the insured, subscriber, or other
18 covered person.

19 (2) An insurer shall provide reimbursement for those services
20 prescribed by this section at rates negotiated between the insurer and
21 the provider of such services. In the absence of agreed upon rates, an
22 insurer shall pay for such services at the usual and customary charge as
23 defined under section three thousand two hundred forty-one of this arti-
24 cle, which shall not be excessive or unreasonable.

25 (3) An insurer, organization, or corporation licensed or certified
26 pursuant to article forty-three or forty-seven of this chapter or arti-
27 cle forty-four of the public health law shall ensure that the insured,
28 subscriber, or other covered person shall incur no greater out-of-pocket
29 costs for ambulance services provided by a nonparticipating or nonpre-
30 ferred provider than the insured, subscriber, or other covered person
31 would have incurred with a participating or preferred provider of such
32 services.

33 (4) Nothing contained in this section shall be deemed to prohibit the
34 payment of different levels of benefits or from having differences in
35 coinsurance percentages applicable to benefit levels for services
36 provided by participating or preferred providers and nonparticipating or
37 nonpreferred providers.

38 The provisions of this subsection shall not apply to policies that do
39 not include coverage for ambulance services.

40 § 2. Subparagraphs (C) and (D) of paragraph 24 of subsection (i) of
41 section 3216 of the insurance law, as added by chapter 506 of the laws
42 of 2001, are amended to read as follows:

43 (C) An insurer shall provide reimbursement for those services
44 prescribed by this section at rates negotiated between the insurer and
45 the provider of such services. In the absence of agreed upon rates, an
46 insurer shall pay for such services at the usual and customary charge,
47 which shall not be excessive or unreasonable. Except in a city with a
48 population of one million or more persons, the insurer shall send such
49 payments directly to the provider of such ambulance services, if the
50 ambulance service has on file an executed assignment of benefits form
51 with the claim.

52 (D) The provisions of this paragraph shall have no application to
53 transfers of patients between hospitals or health care facilities by an
54 ambulance service as described in subparagraph (A) of this paragraph
55 unless such services are covered under the policy.

1 § 3. Subparagraphs (C) and (D) of paragraph 15 of subsection (l) of
2 section 3221 of the insurance law, as added by chapter 506 of the laws
3 of 2001, are amended to read as follows:

4 (C) An insurer shall provide reimbursement for those services
5 prescribed by this section at rates negotiated between the insurer and
6 the provider of such services. In the absence of agreed upon rates, an
7 insurer shall pay for such services at the usual and customary charge,
8 which shall not be excessive or unreasonable. Except in a city with a
9 population of one million or more persons, the insurer shall send such
10 payments directly to the provider of such ambulance services, if the
11 ambulance service has on file an executed assignment of benefits form
12 with the claim.

13 (D) The provisions of this paragraph shall have no application to
14 transfers of patients between hospitals or health care facilities by an
15 ambulance service as described in subparagraph (A) of this paragraph
16 unless such services are covered under the policy.

17 § 4. Paragraphs 3 and 4 of subsection (aa) of section 4303 of the
18 insurance law, as added by chapter 506 of the laws of 2001, are amended
19 to read as follows:

20 (3) An insurer shall provide reimbursement for those services
21 prescribed by this section at rates negotiated between the insurer and
22 the provider of such services. In the absence of agreed upon rates, an
23 insurer shall pay for such services at the usual and customary charge,
24 which shall not be excessive or unreasonable. Except in a city with a
25 population of one million or more persons, the insurer shall send such
26 payments directly to the provider of such ambulance services, if the
27 ambulance service has on file an executed assignment of benefits form
28 with the claim.

29 (4) The provisions of this subsection shall have no application to
30 transfers of patients between hospitals or health care facilities by an
31 ambulance service as described in paragraph one of this subsection
32 unless such services are covered under the policy.

33 § 5. This act shall take effect January 1, 2021 and shall apply to
34 health care claims submitted for payment after such date.