

# STATE OF NEW YORK

9085

## IN ASSEMBLY

January 17, 2020

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

AN ACT to amend the insurance law, in relation to requiring specifica-  
tion between partial approval of medical claims and a denial of  
medical claims on written notices to an insurer

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-a of the insurance law, as  
2 amended by chapter 237 of the laws of 2009, is amended to read as  
3 follows:

4 (b) In a case where the obligation of an insurer or an organization or  
5 corporation licensed or certified pursuant to article forty-three or  
6 forty-seven of this chapter or article forty-four of the public health  
7 law to pay a claim or make a payment for health care services rendered  
8 is not reasonably clear due to a good faith dispute regarding the eligi-  
9 bility of a person for coverage, the liability of another insurer or  
10 corporation or organization for all or part of the claim, the amount of  
11 the claim, the benefits covered under a contract or agreement, or the  
12 manner in which services were accessed or provided, an insurer or organ-  
13 ization or corporation shall pay any undisputed portion of the claim in  
14 accordance with this subsection and notify the policyholder, covered  
15 person or health care provider in writing within thirty calendar days of  
16 the receipt of the claim:

17 (1) whether the claim or bill has been denied or partially approved;

18 (2) which claim or medical payment that it is not obligated to pay  
19 [~~the claim or make the medical payment,~~] stating the specific reasons  
20 why it is not liable; [~~or~~

21 ~~(2)~~ and

22 (3) to request all additional information needed to determine liabil-  
23 ity to pay the claim or make the health care payment.

24 Upon receipt of the information requested in paragraph [~~two~~] three of  
25 this subsection or an appeal of a claim or bill for health care services  
26 denied pursuant to [~~paragraph one of~~] this subsection, an insurer or  
27 organization or corporation licensed or certified pursuant to article

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

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1 forty-three or forty-seven of this chapter or article forty-four of the  
2 public health law shall comply with subsection (a) of this section. Any  
3 denial or partial approval of claim or payment and the specific reasons  
4 for such denial or partial approval pursuant to this subsection shall be  
5 prominently displayed on a written notice with at least twelve-point  
6 type. A partial approval of claim or payment shall state at the top of  
7 such written notice with at least fourteen-point type bold: "NOTICE OF  
8 PARTIAL APPROVAL OF MEDICAL COVERAGE". A denial of claim or payment  
9 shall state at the top of such written notice with at least fourteen-  
10 point type bold: "NOTICE OF DENIAL OF MEDICAL COVERAGE". Any additional  
11 terms or conditions included on such notice of partial approval or such  
12 notice of denial, such as but not limited to time restraints to file an  
13 appeal, shall be included with at least twelve-point type.

14 § 2. This act shall take effect on the ninetieth day after it shall  
15 have become a law and shall apply to policies and contracts issued,  
16 renewed, modified, altered or amended on or after such effective date.