

# STATE OF NEW YORK

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4641

2019-2020 Regular Sessions

## IN SENATE

March 19, 2019

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Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed 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 examination 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 Assembly, do enact as follows:

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

3 4-b. In the event the practitioner to whom the individual is referred  
4 pursuant to subdivision four or paragraph (b) of subdivision two of this  
5 section issues an opinion that differs from the applicant's treating  
6 health care practitioner's opinion, the applicant's treating health care  
7 practitioner's opinion is generally controlling, subject to, but not  
8 limited to, the following factors:

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

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

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

13 (d) the practitioner's specialty.

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

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

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