

STATE OF NEW YORK

3149

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. HEVESI, GLICK, BARRON, COLTON, EPSTEIN, BUTTENS-
CHON, OTIS, SANTABARBARA, SEAWRIGHT, REYES, GOTTFRIED -- Multi-Spon-
sored by -- M. of A. COOK -- read once and referred to the Committee
on Economic Development

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:

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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