STATE OF NEW YORK

3149

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. HEVESI, GLICK, BARRON, COLTON, EPSTEIN, BUTTENSCHON, OTIS, SANTABARBARA, SEAWRIGHT, REYES, GOTTFRIED -- Multi-Sponsored 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 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:

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

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

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

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

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

(d) the practitioner's specialty.

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

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

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