STATE OF NEW YORK

3470--C

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. GOTTFRIED, EPSTEIN, JACOBSON, THIELE, SIMON, SEAWRIGHT, DINOWITZ, BENEDETTO, SAYEGH, REYES, GLICK, ABINANTI, CRUZ, PAULIN, SOLAGES, L. ROSENTHAL, GUNTHER, AUBRY, GALEF, STECK, NIOU, WEPRIN, TAYLOR, JEAN-PIERRE, FORREST, MITAYNES, HEVESI, LUNSFORD, BRAUNSTEIN, MAMDANI, ZINERMAN, KELLES, McDONALD, CAHILL, GONZALEZ-ROJAS, BRONSON, ANDERSON, GRIFFIN, BURDICK, DURSO, CLARK, VANEL, ENGLEBRIGHT, OTIS, BICHOTTE HERMELYN, BURGOS, J. RIVERA, GIBBS, KIM, FAHY, FERNANDEZ, RAMOS, CARROLL -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to regulation of the billing of facility fees

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

Section 1. Section 2801 of the public health law is amended by adding three new subdivisions 12, 13 and 14 to read as follows:

12. "Facility fee" means any fee charged or billed by a hospital or by a health care professional authorized under title eight of the education law that is: (a) intended to compensate the hospital or health care professional for the operational expenses regardless of the modality through which the health care services are provided; and (b) separate and distinct from a professional fee. "Facility fee" shall not include any fee charged or billed by a residential health care facility.

13. "Health system" means a group of one or more hospitals and providers affiliated through ownership, governance, membership or other means.

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

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14. "Provider" means an individual or entity, whether for profit or nonprofit, whose primary purpose is to provide professional health care services.

§ 2. The public health law is amended by adding a new section 2830 to read as follows:

§ 2830. Regulation of the billing of facility fees. 1. For the purposes of this section, "fee" means any amount charged or billed by a provider for professional health care services provided in a hospital-based facility.

2. No hospital or health system or health care provider shall bill or seek payment from a patient for a facility fee that is not covered by the patient's health insurance carrier unless the patient was notified prior to the date of service that a facility fee would be applicable. If a health care provider enters into a business relationship with a hospital or health system that will result in the provider's patients being subject to facility fees, the health care provider must notify its patients of the change and that facility fees will now be applicable to services received from the health care provider. The notice shall be provided in writing at least seven days in advance of each date of service and shall explain the amount of the fee, the purpose of the fee, whether the patient's insurance plan will pay the fee, and for uninsured patients, how to apply for financial assistance. If advance written notice is infeasible because the visit was secured less than seven days in advance, then a written notice shall be provided on the date the service is rendered. The notice shall be provided in plain language in conspicuous twelve-point bold face type and shall be available in the top six languages spoken in the hospital's service area. In no event shall a facility fee be charged for services related to the provision of preventive care service as defined by the United States Preventive Services Task Force.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.