

# STATE OF NEW YORK

2521--B

2021-2022 Regular Sessions

## IN SENATE

January 21, 2021

Introduced by Sens. RIVERA, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BRISPORT, BROUK, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAPLAN, KAVANAGH, KRUEGER, LIU, MAY, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- 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 four new subdivisions 12, 13, 14 and 15 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.

14. "Fee" means any fee charged or billed by a provider for professional health care services provided in a hospital-based facility.

15. "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 2829 to read as follows:

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

LBD00481-06-1

1     § 2829. Regulation of the billing of facility fees. No hospital or  
2 health system or health care provider shall bill or seek payment from a  
3 patient for a facility fee that is not covered by the patient's health  
4 insurance carrier unless the patient was notified prior to the date of  
5 service that a facility fee would be applicable. If a health care  
6 provider enters into a business relationship with a hospital or health  
7 system that will result in the provider's patients being subject to  
8 facility fees, the health care provider must notify its patients of the  
9 change and that facility fees will now be applicable to services  
10 received from the health care provider. The notice shall be provided in  
11 writing at least seven days in advance of each date of service and shall  
12 explain the amount of the fee, the purpose of the fee, whether the  
13 patient's insurance plan will pay the fee, and for uninsured patients,  
14 how to apply for financial assistance. If advance written notice is  
15 infeasible because the visit was secured less than seven days in  
16 advance, then a written notice shall be provided on the date the service  
17 is rendered. The notice shall be provided in plain language in conspicu-  
18 ous twelve-point bold face type and shall be available in the top six  
19 languages spoken in the hospital's service area. In no event shall a  
20 facility fee be charged for services related to the provision of preven-  
21 tive care service as defined by the United States Preventive Services  
22 Task Force.

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