STATE OF NEW YORK

1777--A

Cal. No. 53

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. LAVINE, COLTON, GLICK, SAYEGH, SEAWRIGHT, TAYLOR, VANEL, STIRPE, SILLITTI, WOERNER, SHRESTHA -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Health -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law and the insurance law, in relation to health care professional applications and terminations

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

Section 1. Subdivision 5-e of section 4406-c of the public health law, as added by chapter 377 of the laws of 2019, is amended to read as follows:

5-e. **(a)** At least sixty days prior to the termination of a contract between a hospital and a health care plan, the parties shall utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. The results of the mediation shall not be binding on the parties.

(b) At least sixty days prior to the expiration or non-renewal of a contract between a physician or physician group practice and a health care plan, a physician or physician group may, at their discretion, utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. At least one week prior to the mediation, the parties shall provide a written statement explaining their respective positions, including but not limited to their rationale for the decision, regarding the non-renewal of the contract. The results of the mediation shall not be binding on the parties. A terminated contract between such parties shall be governed by section four thousand four hundred six-d of this article.

§ 2. Subsection (l) of section 3217-b of the insurance law, as added by chapter 377 of the laws of 2019, is amended to read as follows:

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

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(l) **(1)** At least sixty days prior to the termination of a contract between a hospital and an insurer, the parties shall utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. The results of the mediation shall not be binding on the parties.

(2) At least sixty days prior to the expiration or non-renewal of a contract between a physician or physician group practice and an insurer, a physician or physician group may, at their discretion, utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. At least one week prior to the mediation, the parties shall provide a written statement explaining their respective positions, including but not limited to their rationale for the decision, regarding the non-renewal of the contract. The results of the mediation shall not be binding on the parties. A terminated contract between such parties shall be governed by section four thousand eight hundred three of this chapter.

§ 3. Subsection (m) of section 4325 of the insurance law, as added by chapter 377 of the laws of 2019, is amended to read as follows:

(m) **(1)** At least sixty days prior to the termination of a contract between a hospital and an organization, the parties shall utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. The results of the mediation shall not be binding on the parties.

(2) At least sixty days prior to the expiration or non-renewal of a contract between a physician or physician group practice and a corporation, a physician or physician group may, at their discretion, utilize a mutually agreed upon mediator to assist in resolving any outstanding contractual issues. At least one week prior to the mediation, the parties shall provide a written statement explaining their respective positions, including but not limited to their rationale for the decision, regarding the non-renewal of the contract. The results of the mediation shall not be binding on the parties. A terminated contract between such parties shall be governed by section four thousand eight hundred three of this chapter.

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