

STATE OF NEW YORK

3816

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by M. of A. L. ROSENTHAL, STECK, FAHY, JEAN-PIERRE, HEVESI,
TAYLOR -- Multi-Sponsored by -- M. of A. EPSTEIN, SIMON -- read once
and referred to the Committee on Insurance

AN ACT to amend the public health law and the insurance law, in relation
to requiring health care insurers to offer coverage for health care
provided by out-of-network providers

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

1 Section 1. Section 4403 of the public health law is amended by adding
2 a new subdivision 10 to read as follows:

3 10. Every health maintenance organization shall offer out-of-network
4 coverage as an optional rider to any contract and shall offer at least
5 one contract option that includes out-of-network coverage. These options
6 shall be made available both within the statewide health benefit
7 exchange and outside of the health benefit exchange.

8 § 2. Section 3217-e of the insurance law, as added by chapter 219 of
9 the laws of 2011, is amended to read as follows:

10 § 3217-e. Choice of health care provider. (a) An insurer that is
11 subject to this article and requires or provides for designation by an
12 insured of a participating primary care provider shall permit the
13 insured to designate any participating primary care provider who is
14 available to accept such individual, and in the case of a child, shall
15 permit the insured to designate a physician (allopathic or osteopathic)
16 who specializes in pediatrics as the child's primary care provider if
17 such provider participates in the network of the insurer.

18 (b) Every insurer that offers health insurance and is subject to the
19 provisions of this article, shall offer out-of-network coverage as an
20 optional rider to any policy and shall offer at least one policy option
21 that includes out-of-network coverage. These options shall be made
22 available both within the statewide health benefit exchange and outside
23 of the health benefit exchange.

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

LBD08809-01-3

1 § 3. Section 4306-d of the insurance law, as added by chapter 219 of
2 the laws of 2011, is amended to read as follows:

3 § 4306-d. Choice of health care provider. (a) A corporation that is
4 subject to the provisions of this article and requires or provides for
5 designation by a subscriber of a participating primary care provider
6 shall permit the subscriber to designate any participating primary care
7 provider who is available to accept such individual, and in the case of
8 a child, shall permit the subscriber to designate a physician (allopath-
9 ic or osteopathic) who specializes in pediatrics as the child's primary
10 care provider if such provider participates in the network of the corpo-
11 ration.

12 (b) Every corporation that is subject to the provisions of this arti-
13 cle, shall offer out-of-network coverage as an optional rider to any
14 contract and shall offer at least one contract option that includes
15 out-of-network coverage. These options shall be made available both
16 within the statewide health benefit exchange and outside of the health
17 benefit exchange.

18 § 4. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law, and shall apply to
20 contracts and policies issued, renewed, modified or amended on or after
21 such date.