

# STATE OF NEW YORK

1466--A

Cal. No. 345

2023-2024 Regular Sessions

## IN SENATE

January 12, 2023

Introduced by Sens. BRESLIN, ADDABBO, COONEY, GALLIVAN, HELMING, MANN-ION, O'MARA, RIVERA, SANDERS, SEPULVEDA, SKOUFIS, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to payments to prehospital emergency medical services providers

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

1 Section 1. Section 3224-a of the insurance law is amended by adding a  
2 new subsection (1) to read as follows:

3 (1) Payments to nonparticipating or nonpreferred providers of ambulance services licensed under article thirty of the public health law.  
4 (1) Except in a city with a population of one million or more persons,  
5 whenever an insurer or an organization, or corporation licensed or  
6 certified pursuant to article forty-three or forty-seven of this chapter  
7 or article forty-four of the public health law provides that any health  
8 care claims submitted under contracts or agreements issued or entered  
9 into pursuant to this article or article forty-two, forty-three or  
10 forty-seven of this chapter and article forty-four of the public health  
11 law are payable to a participating or preferred provider of ambulance  
12 services for services rendered, the insurer, organization, or corpo-  
13 ration licensed or certified pursuant to article forty-three or forty-  
14 seven of this chapter or article forty-four of the public health law  
15 shall be required to pay such benefits either directly to any similarly  
16 licensed nonparticipating or nonpreferred provider at the usual and  
17 customary charge as defined under section three thousand two hundred  
18 forty-one of this article, which shall not be excessive or unreasonable,  
19 when the provider has rendered such services, has on file a duly  
20

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

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1 executed assignment of benefits, and has caused notice of such assign-  
2 ment to be given to the insurer, organization, or corporation licensed  
3 or certified pursuant to article forty-three or forty-seven of this  
4 chapter or article forty-four of the public health law or jointly to  
5 such nonparticipating or nonpreferred provider and to the insured,  
6 subscriber, or other covered person; provided, however, that in either  
7 case the insurer, organization, or corporation licensed or certified  
8 pursuant to article forty-three or forty-seven of this chapter or arti-  
9 cle forty-four of the public health law shall be required to send such  
10 benefit payments directly to the provider who has the assignment on  
11 file. When payment is made directly to a provider of ambulance services  
12 as authorized by this section, the insurer, organization, or corporation  
13 licensed or certified pursuant to article forty-three or forty-seven of  
14 this chapter or article forty-four of the public health law shall give  
15 written notice of such payment to the insured, subscriber, or other  
16 covered person.

17 (2) An insurer shall provide reimbursement for those services  
18 prescribed by this section at rates negotiated between the insurer and  
19 the provider of such services. In the absence of agreed upon rates, an  
20 insurer shall pay for such services at the usual and customary charge as  
21 defined under section three thousand two hundred forty-one of this arti-  
22 cle, which shall not be excessive or unreasonable.

23 (3) An insurer, organization, or corporation licensed or certified  
24 pursuant to article forty-three or forty-seven of this chapter or arti-  
25 cle forty-four of the public health law shall ensure that the insured,  
26 subscriber, or other covered person shall incur no greater out-of-pocket  
27 costs for ambulance services provided by a nonparticipating or nonpre-  
28 ferred provider than the insured, subscriber, or other covered person  
29 would have incurred with a participating or preferred provider of such  
30 services.

31 (4) Nothing contained in this section shall be deemed to prohibit the  
32 payment of different levels of benefits or from having differences in  
33 coinsurance percentages applicable to benefit levels for services  
34 provided by participating or preferred providers and nonparticipating or  
35 nonpreferred providers.

36 The provisions of this subsection shall not apply to policies that do  
37 not include coverage for ambulance services.

38 § 2. Subparagraphs (C) and (D) of paragraph 24 of subsection (i) of  
39 section 3216 of the insurance law, as added by chapter 506 of the laws  
40 of 2001, are amended to read as follows:

41 (C) An insurer shall provide reimbursement for those services  
42 prescribed by this section at rates negotiated between the insurer and  
43 the provider of such services. In the absence of agreed upon rates, an  
44 insurer shall pay for such services at the usual and customary charge,  
45 which shall not be excessive or unreasonable. Except in a city with a  
46 population of one million or more persons, the insurer shall send such  
47 payments directly to the provider of such ambulance services, if the  
48 ambulance service has on file an executed assignment of benefits form  
49 with the claim.

50 (D) The provisions of this paragraph shall have no application to  
51 transfers of patients between hospitals or health care facilities by an  
52 ambulance service as described in subparagraph (A) of this paragraph  
53 unless such services are covered under the policy.

54 § 3. Subparagraphs (C) and (D) of paragraph 15 of subsection (l) of  
55 section 3221 of the insurance law, as added by chapter 506 of the laws  
56 of 2001, are amended to read as follows:

1 (C) An insurer shall provide reimbursement for those services  
2 prescribed by this section at rates negotiated between the insurer and  
3 the provider of such services. In the absence of agreed upon rates, an  
4 insurer shall pay for such services at the usual and customary charge,  
5 which shall not be excessive or unreasonable. Except in a city with a  
6 population of one million or more persons, the insurer shall send such  
7 payments directly to the provider of such ambulance services, if the  
8 ambulance service has on file an executed assignment of benefits form  
9 with the claim.

10 (D) The provisions of this paragraph shall have no application to  
11 transfers of patients between hospitals or health care facilities by an  
12 ambulance service as described in subparagraph (A) of this paragraph  
13 unless such services are covered under the policy.

14 § 4. Paragraphs 3 and 4 of subsection (aa) of section 4303 of the  
15 insurance law, as added by chapter 506 of the laws of 2001, are amended  
16 to read as follows:

17 (3) An insurer shall provide reimbursement for those services  
18 prescribed by this section at rates negotiated between the insurer and  
19 the provider of such services. In the absence of agreed upon rates, an  
20 insurer shall pay for such services at the usual and customary charge,  
21 which shall not be excessive or unreasonable. Except in a city with a  
22 population of one million or more persons, the insurer shall send such  
23 payments directly to the provider of such ambulance services, if the  
24 ambulance service has on file an executed assignment of benefits form  
25 with the claim.

26 (4) The provisions of this subsection shall have no application to  
27 transfers of patients between hospitals or health care facilities by an  
28 ambulance service as described in paragraph one of this subsection  
29 unless such services are covered under the policy.

30 § 5. This act shall take effect January 1, 2025 and shall apply to  
31 health care claims submitted for payment after such date.