STATE OF NEW YORK

1782

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to enacting the "health insurance preauthorization disclosure act"

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

Section 1. Short title. This act shall be known and may be cited as the "health insurance preauthorization disclosure act".

§ 2. The insurance law is amended by adding a new section 4242 to read as follows:

§ 4242. Health insurance companies; preauthorization for health care services. Every health care insurance company shall be required to provide participating physicians and health care providers, as defined in subdivision seven of section twenty-nine hundred eighty of the public health law, with an updated list of health care treatments and services that require preauthorization or precertification from such health care insurance company. Such list shall be developed based upon consultation with medical guidelines developed by the relevant medical specialty organization and in consultation with appropriately trained physicians practicing within the region the health care insurance company serves. Such list shall be updated annually or more frequently as appropriate. Only those health care services which are contained on such list shall be subject to pre-authorization or precertification by the health care insurance company. No health care treatment or service shall be added to the list of services requiring pre-authorization or precertification unless the health care insurance company provides a minimum of ninety days notice to participating physicians and health care providers.

§ 3. The public health law is amended by adding a new section 4905-a to read as follows:

§ 4905-a. Pre-authorized services. Every health care plan shall be required to develop and provide to participating health care providers a

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

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list of health care services that require pre-authorization or precertification from such health care plan. Such list shall be developed based upon consultation with medical guidelines developed by the relevant medical specialty organization and in consultation with appropriately trained physicians practicing within the region the health care plan serves. Such list shall be updated annually or more frequently as appropriate. Only those health care services which are contained on such list shall be subject to pre-authorization or precertification by the health care plan. No health care service shall be added to the list of services requiring pre-authorization or precertification unless the health care plan provides a minimum of ninety days notice to participating health care providers.

§ 4. The insurance law is amended by adding a new section 4905-a to read as follows:

§ 4905-a. Pre-authorized services. Every health care plan shall be required to develop and provide to participating health care providers a list of health care services that require pre-authorization or precertification from such health care plan. Such list shall be developed based upon consultation with medical guidelines developed by the relevant medical specialty organization and in consultation with appropriately trained physicians practicing within the region the health care plan serves. Such list shall be updated annually or more frequently as appropriate. Only those health care services which are contained on such list shall be subject to pre-authorization or precertification by the health care plan. No health care service shall be added to the list of services requiring pre-authorization or precertification unless the health care plan provides a minimum of ninety days notice to participating health care providers.

§ 5. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately the superintendent of financial services is hereby authorized to promulgate all rules and regulations and take any other measures necessary to implement this act on such effective date.