

# STATE OF NEW YORK

2189

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

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

AN ACT to amend the public health law, in relation to expanding health care plan contract coverage for any health care provider for one hundred twenty days after the termination of such contract

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

1 Section 1. Subdivision 5-d of section 4406-c of the public health law,  
2 as added by chapter 451 of the laws of 2007, and as relettered by chap-  
3 ter 237 of the laws of 2009, is amended to read as follows:

4 5-d. If a contract between a plan and [~~a hospital~~] any health care  
5 provider is not renewed or is terminated by either party, the parties  
6 shall continue to abide by the terms of such contract, including  
7 reimbursement terms, for a period of [~~two months~~] one hundred twenty  
8 days from the effective date of termination or, in the case of a non-re-  
9 newal, from the end of the contract period. Notice shall be provided to  
10 all enrollees potentially affected by such termination or non-renewal  
11 within fifteen days after commencement of the [~~two months~~] one hundred  
12 twenty day period. The commissioner shall have the authority to waive  
13 the [~~two months~~] one hundred twenty day period upon the request of  
14 either party to a contract that is being terminated for cause. This  
15 subdivision shall not apply where both parties mutually agree in writing  
16 to the termination or non-renewal and the plan provides notice to the  
17 enrollee at least thirty days in advance of the date of contract termi-  
18 nation.

19 § 2. This act shall take effect immediately; provided, however that  
20 the amendments to subdivision 5-d of section 4406-c of the public  
21 health law made by section one of this act shall not affect the repeal  
22 of such subdivision and shall be deemed repealed therewith.

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

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