STATE OF NEW YORK

2374

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sen. PERSAUD -- 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 out-of-network treatment disclosure for certain surgical procedures

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

Section 1. Subdivision 5 of section 230-d of the public health law, as added by chapter 365 of the laws of 2007, is amended to read as follows:

5. **Every licensee performing inpatient and/or outpatient surgical care and that requires pre-approval of surgical procedures by the patient's insurance provider shall provide notice to the patient if all or a portion of treatment approved is authorized to be rendered by a provider that is not an in-network provider. Such notification shall be provided to the patient by telephone call, email or text message at the time of approval by the licensee and shall be confirmed by mail not more than twenty-four hours after approval of the surgical procedure. If the licensee fails to provide such notice to the patient at least forty-eight hours prior to the procedure, the licensee shall cover the cost of the procedure as though the services were rendered by an in-network provider. The provisions of this subdivision shall not apply to any surgical procedure performed within twenty-four hours after the insured sustains the injury necessitating the surgical procedure.**

6. the commissioner shall make, adopt, promulgate and enforce such rules and regulations, as he or she may deem appropriate, to effectuate the purposes of this section. Where any rule or regulation under this section would affect the scope of practice of a health care practitioner licensed, registered or certified under title eight of the education law other than those licensed under articles one hundred thirty-one or one hundred thirty-one-B of the education law, the rule or regulation shall be made with the concurrence of the commissioner of education.

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

LBD02615-01-3

§ 2. The public health law is amended by adding a new section 2807-g to read as follows:

§ 2807-g. Notice of out-of-network treatment. Every hospital or other licensed entity providing inpatient and/or outpatient surgical care that requires pre-approval of surgical procedures by the patient's insurance provider shall provide notice to the patient if all or a portion of treatment approved is authorized to be rendered by a provider that is not an in-network provider. Such notification shall be provided to the patient by telephone call, email or text message at the time of approval by such hospital or other licensed entity and shall be confirmed by mail not more than twenty-four hours after approval of the surgical procedure. If such hospital or other licensed entity fails to provide such notice to the patient at least forty-eight hours prior to the procedure, such hospital or other licensed entity shall cover the cost of the procedure as though the services were rendered by an in-network provider. The provisions of this subdivision shall not apply to any surgical procedure performed within twenty-four hours after the insured sustains the injury necessitating the surgical procedure.

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