

STATE OF NEW YORK

3282--A

Cal. No. 165

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. RIVERA, CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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 public health law and the insurance law, in relation to health care professional applications and terminations

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

1 Section 1. Subdivision 5-e of section 4406-c of the public health law,
2 as added by chapter 377 of the laws of 2019, is amended to read as
3 follows:

4 5-e. (a) At least sixty days prior to the termination of a contract
5 between a hospital and a health care plan, the parties shall utilize a
6 mutually agreed upon mediator to assist in resolving any outstanding
7 contractual issues. The results of the mediation shall not be binding on
8 the parties.

9 (b) At least sixty days prior to the expiration or non-renewal of a
10 contract between a physician or physician group practice and a health
11 care plan, a physician or physician group may, at their discretion,
12 utilize a mutually agreed upon mediator to assist in resolving any
13 outstanding contractual issues. At least one week prior to the medi-
14 ation, the parties shall provide a written statement explaining their
15 respective positions, including but not limited to their rationale for
16 the decision, regarding the non-renewal of the contract. The results
17 of the mediation shall not be binding on the parties. A terminated
18 contract between such parties shall be governed by section four thousand
19 four hundred six-d of this article.

20 § 2. Subsection (1) of section 3217-b of the insurance law, as added
21 by chapter 377 of the laws of 2019, is amended to read as follows:

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

LBD02414-06-4

1 (1) (1) At least sixty days prior to the termination of a contract
2 between a hospital and an insurer, the parties shall utilize a mutually
3 agreed upon mediator to assist in resolving any outstanding contractual
4 issues. The results of the mediation shall not be binding on the
5 parties.

6 (2) At least sixty days prior to the expiration or non-renewal of a
7 contract between a physician or physician group practice and an insur-
8 er, a physician or physician group may, at their discretion, utilize a
9 mutually agreed upon mediator to assist in resolving any outstanding
10 contractual issues. At least one week prior to the mediation, the
11 parties shall provide a written statement explaining their respective
12 positions, including but not limited to their rationale for the deci-
13 sion, regarding the non-renewal of the contract. The results of the
14 mediation shall not be binding on the parties. A terminated contract
15 between such parties shall be governed by section four thousand eight
16 hundred three of this chapter.

17 § 3. Subsection (m) of section 4325 of the insurance law, as added by
18 chapter 377 of the laws of 2019, is amended to read as follows:

19 (m) (1) At least sixty days prior to the termination of a contract
20 between a hospital and an organization, the parties shall utilize a
21 mutually agreed upon mediator to assist in resolving any outstanding
22 contractual issues. The results of the mediation shall not be binding on
23 the parties.

24 (2) At least sixty days prior to the expiration or non-renewal of a
25 contract between a physician or physician group practice and a corpo-
26 ration, a physician or physician group may, at their discretion, utilize
27 a mutually agreed upon mediator to assist in resolving any outstanding
28 contractual issues. At least one week prior to the mediation, the
29 parties shall provide a written statement explaining their respective
30 positions, including but not limited to their rationale for the deci-
31 sion, regarding the non-renewal of the contract. The results of the
32 mediation shall not be binding on the parties. A terminated contract
33 between such parties shall be governed by section four thousand eight
34 hundred three of this chapter.

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