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:

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

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

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

§ 2. Subsection (l) of section 3217-b of the insurance law, as added 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.

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

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

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

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

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

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