STATE OF NEW YORK

2017

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

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

AN ACT to amend the insurance law, the social services law and the public health law, in relation to requiring insurance companies to reimburse all health care practitioners at the same rate for cervical cytology screening

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

Section 1. Subparagraph (B) of paragraph 15 of subsection (i) of section 3216 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(B) For purposes of subparagraphs (A) and (C) of this paragraph, cervical cytology screening shall include an annual pelvic examination, collection and preparation of a Pap smear, and laboratory and diagnostic services provided in connection with examining and evaluating the Pap smear. **An insurer shall provide the same rate of reimbursement for cervical cytology screening whether such screening is performed by a licensed health care practitioner or by a provider of obstetrical and/or gynecologic services.**

§ 2. Subparagraph (B) of paragraph 14 of subsection (l) of section 3221 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(B) For purposes of subparagraphs (A) and (C) of this paragraph, cervical cytology screening shall include an annual pelvic examination, collection and preparation of a Pap smear, and laboratory and diagnostic services provided in connection with examining and evaluating the Pap smear. **An insurer shall provide the same rate of reimbursement for cervical cytology screening whether such screening is performed by a licensed health care practitioner or by a provider of obstetrical and/or gynecologic services.**

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

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§ 3. Paragraph 2 of subsection (t) of section 4303 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(2) For purposes of paragraph one of this subsection, cervical cytology screening shall include an annual pelvic examination, collection and preparation of a Pap smear, and laboratory and diagnostic services provided in connection with examining and evaluating the Pap smear. **An insurer shall provide the same rate of reimbursement for cervical cytology screening whether such screening is performed by a licensed health care practitioner or by a provider of obstetrical and/or gynecologic services.**

§ 4. Section 364-j of the social services law is amended by adding a new subdivision 18-a to read as follows:

18-a. Managed care providers shall be reimbursed at the same rate for cervical cytology screening, including but not limited to the preparation of a Pap smear, whether such screening is performed by a primary care practitioner or by a medical services provider of obstetrical and/or gynecologic services.

§ 5. Title 6 of article 2 of the public health law, as added by chapter 342 of the laws of 2014, is amended by adding a new section 266-a to read as follows:

§ 266-a. Cervical cytology screening. Notwithstanding any provision of law to the contrary, a primary care practitioner shall not refuse to perform cervical cytology screening, including but not limited to the preparation of a Pap smear, during a patient's regular annual checkup or for new patients who have not had a Pap smear done by a primary care practitioner or by a provider of obstetrical and/or gynecologic services within the preceding twelve months.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, that the amendments to section 364-j of the social services law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.