

STATE OF NEW YORK

9621

IN SENATE

May 16, 2024

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

AN ACT to amend the insurance law and the public health law, in relation to the use of virtual credit cards by insurers and certain health care plans

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

1 Section 1. Section 3217-b of the insurance law is amended by adding a
2 new subsection (p) to read as follows:

3 (p)(1) An insurer may pay a claim for reimbursement made by a provider
4 using a credit card, virtual credit card, or electronic funds transfer
5 payment method that imposes on the provider a fee or similar charge to
6 process the payment if in advance of using such reimbursement method:

7 (A) The insurer notifies the provider of the potential fees or other
8 charges associated with the use of the credit card, virtual credit card,
9 or electronic funds transfer payment;

10 (B) The insurer offers the provider an alternative payment method that
11 does not impose fees or similar charges on the provider; and

12 (C) The provider or a designee of the provider elects to accept
13 payment of the claim using the credit card, virtual credit card, or
14 electronic funds transfer payment method.

15 (2) A decision pursuant to paragraph one of this subsection shall
16 remain in effect until the provider changes the designated payment type.

17 (3) If an insurer contracts with a vendor to process payments of
18 providers' claims, the insurer shall require the vendor to comply with
19 the provisions of paragraph one of this subsection.

20 (4) No policy or contract issued, renewed, modified, altered or
21 amended after the effective date of this section shall contain
22 provisions allowing for waiver of the notice requirements contained in
23 this subsection.

24 (5) For any contract that is in effect on or before the effective date
25 of this subsection or that is entered into, amended or renewed on or
26 after the effective date of this subsection, a carrier that initiates a
27 payment to a provider using, or changes the payment method to, a health

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

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1 care electronic funds transfers and remittance advice transaction shall
2 not charge a fee solely to transmit the payment to the provider unless
3 the provider consents to the fee.

4 (6) For purposes of this subsection, the following terms shall have
5 the following meanings:

6 (A) "Provider" shall mean an individual or group of individuals
7 licensed pursuant to title eight of the education law.

8 (B) "Virtual credit card" shall mean a single-use series of numbers
9 linked to a fixed dollar amount and provided by an insurer to a provider
10 for the purpose of paying a claim for health care services performed by
11 the provider.

12 § 2. The insurance law is amended by adding a new section 4242 to read
13 as follows:

14 § 4242. Use of virtual credit cards. (a) An insurer may pay a claim
15 for reimbursement made by a provider using a credit card, virtual credit
16 card, or electronic funds transfer payment method that imposes on the
17 provider a fee or similar charge to process the payment if in advance of
18 using such reimbursement method:

19 (1) The insurer notifies the provider of the potential fees or other
20 charges associated with the use of the credit card, virtual credit card,
21 or electronic funds transfer payment;

22 (2) The insurer offers the provider an alternative payment method that
23 does not impose fees or similar charges on the provider; and

24 (3) The provider or a designee of the provider elects to accept
25 payment of the claim using the credit card, virtual credit card, or
26 electronic funds transfer payment method.

27 (b) A decision pursuant to subsection (a) of this section shall remain
28 in effect until the provider changes the designated payment type.

29 (c) If an insurer contracts with a vendor to process payments of
30 providers' claims, the insurer shall require the vendor to comply with
31 the provisions of subsection (a) of this section.

32 (d) No policy or contract issued, renewed, modified, altered or
33 amended after the effective date of this section shall contain
34 provisions allowing for waiver of the notice requirements contained in
35 this section.

36 (e) For any contract that is in effect on or before the effective date
37 of this section or that is entered into, amended or renewed on or after
38 the effective date of this section, a carrier that initiates a payment
39 to a provider using, or changes the payment method to, a health care
40 electronic funds transfers and remittance advice transaction shall not
41 charge a fee solely to transmit the payment to the provider unless the
42 provider consents to the fee.

43 (f) For purposes of this section, the following terms shall have the
44 following meanings:

45 (1) "Provider" shall mean an individual or group of individuals
46 licensed pursuant to title eight of the education law.

47 (2) "Virtual credit card" shall mean a single-use series of numbers
48 linked to a fixed dollar amount and provided by an insurer to a provider
49 for the purpose of paying a claim for health care services performed by
50 the provider.

51 § 3. Section 4325 of the insurance law is amended by adding a new
52 subsection (p) to read as follows:

53 (p) (1) A corporation organized under this article may pay a claim for
54 reimbursement made by a provider using a credit card, virtual credit
55 card, or electronic funds transfer payment method that imposes on the

1 provider a fee or similar charge to process the payment if in advance of
2 using such reimbursement method:

3 (A) The insurer notifies the provider of the potential fees or other
4 charges associated with the use of the credit card, virtual credit card,
5 or electronic funds transfer payment;

6 (B) The insurer offers the provider an alternative payment method that
7 does not impose fees or similar charges on the provider; and

8 (C) The provider or a designee of the provider elects to accept
9 payment of the claim using the credit card, virtual credit card, or
10 electronic funds transfer payment method.

11 (2) A decision pursuant to paragraph one of this subsection shall
12 remain in effect until the provider changes the designated payment type.

13 (3) If an insurer contracts with a vendor to process payments of
14 providers' claims, the insurer shall require the vendor to comply with
15 the provisions of paragraph one of this subsection.

16 (4) No policy or contract issued, renewed, modified, altered or
17 amended after the effective date of this section shall contain
18 provisions allowing for waiver of the notice requirements contained in
19 this subsection.

20 (5) For any contract that is in effect on or before the effective date
21 of this subsection or that is entered into, amended or renewed on or
22 after the effective date of this subsection, a carrier that initiates a
23 payment to a provider using, or changes the payment method to, a health
24 care electronic funds transfers and remittance advice transaction shall
25 not charge a fee solely to transmit the payment to the provider unless
26 the provider consents to the fee.

27 (6) For purposes of this subsection, the following terms shall have
28 the following meanings:

29 (A) "Provider" shall mean an individual or group of individuals
30 licensed pursuant to title eight of the education law.

31 (B) "Virtual credit card" shall mean a single-use series of numbers
32 linked to a fixed dollar amount and provided by a corporation organized
33 under this article to a provider for the purpose of paying a claim for
34 health care services performed by the provider.

35 § 4. Section 4406-c of the public health law is amended by adding a
36 new subdivision 14 to read as follows:

37 14. (a) A health plan may pay a claim for reimbursement made by a
38 provider using a credit card, virtual credit card, or electronic funds
39 transfer payment method that imposes on the provider a fee or similar
40 charge to process the payment if in advance of using such reimbursement
41 method:

42 (i) The insurer notifies the provider of the potential fees or other
43 charges associated with the use of the credit card, virtual credit card,
44 or electronic funds transfer payment;

45 (ii) The insurer offers the provider an alternative payment method
46 that does not impose fees or similar charges on the provider; and

47 (iii) The provider or a designee of the provider elects to accept
48 payment of the claim using the credit card, virtual credit card, or
49 electronic funds transfer payment method.

50 (b) A decision pursuant to paragraph (a) of this subdivision shall
51 remain in effect until the provider changes the designated payment type.

52 (c) If an insurer contracts with a vendor to process payments of
53 providers' claims, the insurer shall require the vendor to comply with
54 the provisions of paragraph (a) of this subdivision.

55 (d) No policy or contract issued, renewed, modified, altered or
56 amended after the effective date of this section shall contain

1 provisions allowing for waiver of the notice requirements contained in
2 this subdivision.

3 (e) For any contract that is in effect on or before the effective date
4 of this subdivision or that is entered into, amended or renewed on or
5 after the effective date of this subdivision, a carrier that initiates a
6 payment to a provider using, or changes the payment method to, a health
7 care electronic funds transfers and remittance advice transaction shall
8 not charge a fee solely to transmit the payment to the provider unless
9 the provider consents to the fee.

10 (f) For purposes of this section, the following definitions shall
11 apply:

12 (i) "Provider" shall mean an individual or group of individuals
13 licensed pursuant to title eight of the education law.

14 (ii) "Virtual credit card" shall mean a single-use series of numbers
15 linked to a fixed dollar amount and provided by an insurer to a provider
16 for the purpose of paying a claim for health care services performed by
17 the provider.

18 § 5. This act shall take effect immediately and shall apply to poli-
19 cies and contracts issued, renewed, modified, altered or amended on and
20 after such date.