STATE OF NEW YORK

7918

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

Introduced by Sen. SKOUFIS -- 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 social services law, in relation to prohibiting health insurers, including medical assistance programs, from imposing arbitrary time caps on reimbursement for anesthesia services

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

Section 1. The insurance law is amended by adding a new section 3246 to read as follows:

§ 3246. Prohibition on arbitrary time caps for anesthesia services. 1. An insurer issuing a policy of hospital, medical, or surgical expense insurance pursuant to this section or any other section of law shall not impose arbitrary time caps on reimbursement for anesthesia services provided during medically necessary procedures.

2. Reimbursement for anesthesia services shall be determined based on medical necessity as assessed by the attending anesthesiologist or licensed anesthesia provider.

3. An insurer issuing a policy of hospital, medical, or surgical expense insurance pursuant to this section or any other section of law shall be prohibited from denying payment for anesthesia services solely because the duration of care exceeded a pre-set time limit.

4. The department of health shall:

(a) conduct periodic audits of health insurers to access compliance with the provisions of this section; and

(b) investigate allegations of noncompliance with the provisions of this section by patients, providers and other stakeholders.

5. Not later than one year from the effective date of this section, and every three years thereafter, the department of health shall submit a report to the speaker of the assembly and the temporary president of the senate. Such report shall include:

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

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(a) the findings of any audits conducted pursuant to paragraph (a) of subdivision four of this section;

(b) the number and nature of violations of the provisions of this section reported; and

(c) recommendations, if any, for improving compliance with the provisions of this section.

§ 2. The social services law is amended by adding a new section 365-q to read as follows:

§ 365-q. Prohibition on arbitrary time caps for anesthesia services. Any medical assistance provider whose medical assistance includes the provision of anesthesia, including such assistance furnished through a managed care program, shall not be subject to arbitrary time caps on reimbursement when furnished during medically necessary procedures, as determined by the attending anesthesiologist or other provider of such anesthesia, and such payment shall not be denied for such assistance solely because the duration of such assistance exceeded a pre-set time limit.

§ 3. This act shall take effect immediately.