STATE OF NEW YORK

1936

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. PAULIN, SAYEGH, LUCAS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prior authorization and payments from the medical indemnity fund

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

Section 1. Paragraph (b) of subdivision 2 of section 2999-j of the public health law, as amended by section 3 of part K of chapter 57 of the laws of 2019, is amended and a new paragraph (b-1) is added to read as follows:

(b) if any prior authorization is required by such regulation, the regulation shall require that requests for prior authorization be processed within a reasonably prompt period of time and shall identify a process for prompt administrative review of any denial of a request for prior authorization; [~~and~~]

(b-1) if any prior authorization is required by such regulation, the regulation shall require establishing a mechanism for submission of requests for prior authorization by health care providers directly to the fund; and

§ 2. Paragraph (b) of subdivision 8 of section 2999-j of the public health law, as added by section 52 of part H of chapter 59 of the laws of 2011, is amended and a new paragraph (c) is added to read as follows:

(b) thereupon certify to the commissioner of taxation and finance those costs that have been determined to be qualifying health care costs to be paid from the fund[~~.~~]**; and**

(c) notify the qualified plaintiff which of such costs are qualifying health care costs to be paid from the fund along with which of such costs are not qualifying health care costs to be paid from the fund in a reasonably prompt period of time.

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

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§ 3. Subdivision 5 and paragraph (a) of subdivision 6 of section 2999-i of the public health law, as amended by section 2 of part K of chapter 57 of the laws of 2019, are amended to read as follows:

5. For the state fiscal year beginning April first, two thousand eleven and ending March thirty-first, two thousand twelve, the state fiscal year beginning April first, two thousand twelve and ending March thirty-first, two thousand thirteen, and the state fiscal year beginning April first, two thousand thirteen and ending March thirty-first, two thousand fourteen, the superintendent of financial services shall cause to be deposited into the fund for each such fiscal year the amount appropriated for such purpose. Beginning April first, two thousand fourteen and annually thereafter, the superintendent of financial services or the commissioner, whoever is administering the fund for the applicable period shall cause to be deposited into the fund, subject to available appropriations, an amount equal to the difference between the amount appropriated to the fund in the preceding fiscal year[~~,~~]**. Beginning April first, two thousand twenty-six, the commissioner or the administrator of the fund for the applicable period shall cause to be deposited into the fund an amount equal to the funding level necessary to ensure the liabilities of the medical indemnity fund do not equal or exceed eighty percent of the fund's assets as determined in the actuarial calculation set forth in paragraph (a) of subdivision six of this section,** as increased by the adjustment factor defined in subdivision seven of this section[~~, and the assets of the fund at the conclusion of that fiscal year~~].

(a) [~~Following~~] **No later than sixty days following** the deposit referenced in subdivision five of this section, the commissioner shall conduct an actuarial calculation of the estimated liabilities of the fund for the coming year resulting from the qualified plaintiffs enrolled in the fund **and shall also conduct quarterly actuarial calculations. The department shall publicly post on its website such actuarial calculations within thirty days of completion**. The administrator shall from time to time adjust such calculation in accordance with subdivision seven of this section. If the total of all estimates of current liabilities equals or exceeds eighty percent of the fund's assets, then the fund shall not accept any new enrollments until a new deposit has been made pursuant to subdivision five of this section**, provided however, the department shall provide sixty days' notice on its website before the fund suspends enrollments**. When, as a result of such new deposit, the fund's liabilities no longer exceed eighty percent of the fund's assets, the fund administrator shall enroll new qualified plaintiffs in the order that an application for enrollment has been submitted in accordance with subdivision seven of section twenty-nine hundred ninety-nine-j of this title. **Notwithstanding any other provision of this section, for the state fiscal year beginning April first, two thousand twenty-five and ending March thirty-first, two thousand twenty-six, the fund shall continue to accept new enrollments.**

§ 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the ninetieth day after it shall have become a law.