STATE OF NEW YORK

4721

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

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

AN ACT to amend the public health law and the insurance law, in relation to providing that the failure by the utilization review agent to make a determination within certain time periods shall be deemed to be an approval of the health care services

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

Section 1. Subdivision 7 of section 4903 of the public health law, as amended by chapter 641 of the laws of 2024, is amended to read as follows:

7. Failure by the utilization review agent to make a determination within the time periods prescribed in this section shall be deemed to be an [~~adverse determination subject to appeal pursuant to section forty-nine hundred four of this title, provided, however, that~~] **approval of the health care services in question and** failure to meet such time periods for a step therapy protocol as defined in subdivision seven-f-three of section forty-nine hundred of this title or a step therapy protocol override determination pursuant to subdivisions three-a, three-b and three-c of this section shall be deemed to be an override of the step therapy protocol. A utilization review agent's failure to comply with any of the step therapy protocol requirements required in subdivisions five and six of section forty-nine hundred two of this title shall be considered a basis for granting an override of the step therapy protocol, absent fraud.

§ 2. Subsection (g) of section 4903 of the insurance law, as amended by chapter 641 of the laws of 2024, is amended to read as follows:

(g) Failure by the utilization review agent to make a determination within the time periods prescribed in this section shall be deemed to be an [~~adverse determination subject to appeal pursuant to section four thousand nine hundred four of this title, provided, however,~~] **approval**

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

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of the health care services in question and that failure to meet such time periods for a step therapy protocol as defined in subsection (g-9) of section forty-nine hundred of this title or a step therapy protocol override determination pursuant to subsections (c-1), (c-2) and (c-3) of this section shall be deemed to be an override of the step therapy protocol. A utilization review agent's failure to comply with any of the step therapy protocol requirements required in [~~subsections~~] **paragraphs** fifteen and sixteen of **subsection (a) of** section four thousand nine hundred two of this title shall be considered a basis for granting an override of the step therapy protocol, absent fraud.

§ 3. This act shall take effect on the same date and in the same manner as section 4 of chapter 641 of the laws of 2024, takes effect; provided, however, that section two of this act shall take effect on the same date and in the same manner as section 2 of chapter 641 of the laws of 2024, takes effect.