

STATE OF NEW YORK

8965

IN SENATE

January 21, 2026

Introduced by Sens. HINCHEY, ADDABBO, BROUK, COMRIE, FAHY, FERNANDEZ, GONZALEZ, GOUNARDES, HARCKHAM, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MYRIE, RIVERA, C. RYAN, SALAZAR, SEPULVEDA, SERRANO, WEBB -- 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 information to patients and the public on hospital rule-based exclusions

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

1 Section 1. Legislative findings. The legislature finds that since 2003
2 more than 40 community hospitals in New York state have closed.

3 The legislature additionally finds that as a result of hospital
4 consolidation, large health care systems now control more than 70
5 percent of acute hospital beds in the state and that these systems some-
6 times remove categories of care from local hospitals, leaving patients
7 in regions of the state without access to particular types of care,
8 including some types of emergency care.

9 The legislature further finds that patients do not have the ability to
10 determine whether health care facilities in their area provide the care
11 they seek, because information about how facility restrictions impact
12 options for care is too difficult to obtain.

13 The legislature also finds that denials and poor access to care can
14 lead to serious adverse health impacts that jeopardize individuals'
15 lives and wellbeing and that New York needs to understand health care
16 gaps and their impact statewide.

17 Finally, the legislature finds that some denials of care violate state
18 and federal law.

19 § 2. The public health law is amended by adding a new section 2803-cc
20 to read as follows:

21 § 2803-cc. Hospital rule-based exclusions. 1. As used in this
22 section, "hospital rule-based exclusions" means any criteria, rules, or
23 policies, whether written or unwritten, formally adopted or drafted,
24 endorsed by the general hospital or followed from an external source,

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

LBD04973-03-6

1 that restrict a general hospital from providing types of care, within
2 the covered practice areas pursuant to subdivision one-a of this
3 section, that the general hospital is licensed to provide or that
4 restrict the provision of care to categories of patients on the basis of
5 any characteristic protected under section two hundred ninety-six of the
6 executive law that the general hospital is licensed to provide. "Hospi-
7 tal rule-based exclusions" shall include, but not be limited to,
8 objections under section twenty-nine hundred eighty-four or twenty-nine
9 hundred ninety-four-n of this chapter. "Hospital rule-based exclusions"
10 shall not include restrictions based on lack of equipment, available bed
11 space in the facility, or insurance denial.

12 1-a. (a) Covered practice areas shall include but not be limited to:

13 (i) primary care;
14 (ii) family planning, contraception, and infertility services;
15 (iii) pregnancy testing, support, labor and delivery, and termination
16 services;
17 (iv) reproductive, gender-affirming, and sterilization services; and
18 (v) palliative, hospice, and other end-of-life services.

19 (b) The commissioner shall make rules and regulations as necessary to
20 further specify services to be covered within these practice areas.

21 2. (a) The commissioner shall develop a clear and simple service
22 availability form for the purpose of conveying to patients and to the
23 public the services within the covered practice areas that are and are
24 not generally available or are subject to hospital rule-based exclusions
25 at a general hospital and shall collect from each general hospital a
26 list of its hospital rule-based exclusions on an annual basis using the
27 service availability form. In developing such form the commissioner may
28 consult with health care providers, patient advocates, and experts in
29 health care access to ensure it is understandable to members of the
30 public. Each general hospital shall furnish a completed service avail-
31 ability form to the department, immediately upon request.

32 (b) The commissioner shall publish on the department's website the
33 completed service availability form for each general hospital not later
34 than six months after the effective date of this section. The commis-
35 sioner shall post updated service availability forms on an annual basis.

36 (c) The commissioner may promulgate rules and regulations as may be
37 necessary and proper to carry out effectively the provisions of this
38 section.

39 § 3. Subdivision 1 of section 2803 of the public health law is amended
40 by adding a new paragraph (m) to read as follows:

41 (m) The statement regarding patient rights and responsibilities,
42 required pursuant to paragraph (g) of this subdivision, shall include an
43 explanation of hospital rule-based exclusions and a link to the section
44 of the department's website required in paragraph (b) of subdivision two
45 of section twenty-eight hundred three-cc of this article. Each general
46 hospital's website shall prominently link to the department's website
47 required in paragraph (b) of subdivision two of section twenty-eight
48 hundred three-cc of this article. The commissioner may promulgate rules
49 and regulations as may be necessary and proper to carry out effectively
50 the provisions of this paragraph.

51 § 4. Subsection (a) of section 3217-a of the insurance law is amended
52 by adding a new paragraph 22 to read as follows:

53 (22)(A) an explanation of hospital rule-based exclusions and the fact
54 that some general hospitals may have hospital rule-based exclusions,
55 along with a link to the website required pursuant to subdivision two of
56 section twenty-eight hundred three-cc of the public health law.

1 (B) for the purposes of this paragraph, "hospital rule-based exclu-
2 sions" shall have the same meaning as in section twenty-eight hundred
3 three-cc of the public health law.

4 § 5. Subsection (a) of section 4324 of the insurance law is amended by
5 adding a new paragraph 23 to read as follows:

6 (23)(A) an explanation of hospital rule-based exclusions and the fact
7 that some general hospitals may have hospital rule-based exclusions,
8 along with a link to the website required pursuant to subdivision two of
9 section twenty-eight hundred three-cc of the public health law.

10 (B) for the purposes of this paragraph, "hospital rule-based exclu-
11 sions" shall have the same meaning as in section twenty-eight hundred
12 three-cc of the public health law.

13 § 6. Subdivision 1 of section 4408 of the public health law is amended
14 by adding a new paragraph (w) to read as follows:

15 (w) (i) An explanation of hospital rule-based exclusions and the fact
16 that some general hospitals may have hospital rule-based exclusions,
17 along with a link to the website required pursuant to subdivision two of
18 section twenty-eight hundred three-cc of this chapter.

19 (ii) For the purposes of this paragraph, "hospital rule-based exclu-
20 sions" shall have the same meaning as in section twenty-eight hundred
21 three-cc of this chapter.

22 § 7. Nothing in this act shall be construed to permit or authorize
23 denials of care or discrimination in the provision of health care or
24 health insurance. Compliance with this act does not reduce or limit any
25 liability for general hospitals in connection with hospital rule-based
26 exclusions, including violations of state or federal law.

27 § 8. Severability clause. If any provision of this act, or any appli-
28 cation of any provision of this act, is held to be invalid, or ruled to
29 violate or be inconsistent with any applicable federal law or regu-
30 lation, that shall not affect the validity or effectiveness of any other
31 provision of this act, or of any other application of any provision of
32 this act. It is hereby declared to be the intent of the legislature
33 that this act would have been enacted even if such invalid provisions
34 had not been included herein.

35 § 9. This act shall take effect eighteen months after it shall have
36 become a law. Effective immediately, the addition, amendment and/or
37 repeal of any rule or regulation necessary for the implementation of
38 this act on its effective date are authorized to be made and completed
39 on or before such effective date.