



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Acting Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 16, 2015

Re: Revised Effective Date

Dear Doctor:

As you may be aware, New York State Public Health Law (PHL) §24, effective March 31, 2015, requires physicians and other health care professionals to make certain disclosures to patients and prospective patients regarding out-of-network providers. The intent of this law is to enable health-care consumers to make informed decisions regarding their use of providers, and to avoid receiving “surprise bills” from providers who are not participants in patients’ health insurance plans. It is important for physicians and other health care professionals to comply with the patient disclosure requirements of PHL §24. Willful or grossly negligent failure to do so may be considered misconduct, as defined in New York State Education Law (SED) §6530.

Also note, physicians have rights for bringing disputes for payment of bills for emergency services and surprise bills to independent dispute resolution under New York Financial Services Law (FSL) Article 6. Under FSL §606, if a patient assigns benefits for a surprise bill to a non-participating physician, the non-participating physician must not bill the patient except for any applicable copayment, coinsurance or deductible that would be owed if the patient used a participating physician. Willful or grossly negligent failure to comply with this requirement may also be considered misconduct, as defined in SED §6530.

Please familiarize yourself with the provisions of PHL §24, as well as FSL §606, in order to facilitate your compliance with said statutes. For your convenience, the enclosed summary provides the highlights of the laws. We expect further information to be posted shortly at www.dfs.ny.gov. You may also wish to consult with your state medical or osteopathic society, specialty society, local county society, an attorney, or other source for further guidance on ensuring your practice is compliant with PHL §24 and FSL §606.

Thank you for your anticipated cooperation and compliance with these requirements. If you have any questions or concerns, you may contact me at (518) 402-0855.

Sincerely,

Keith W. Servis
Director
Office of Professional Medical Conduct