

Excess Medical Malpractice – NYS Final Budget Language - March 24, 2013

S. 2606--D

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A. 3006--D

§ 108.

1. Notwithstanding any law, rule or regulation to the contrary, only physicians or dentists who were eligible, and for whom the superintendent of financial services and the commissioner of health, or their designee, purchased, with funds available in the hospital excess liability pool, a full or partial policy for excess coverage or equivalent excess coverage for the coverage periods ending the thirtieth of June, two thousand thirteen, shall be eligible to apply for such coverage for the coverage period beginning the first of July, two thousand thirteen.

For the coverage period beginning the first of July, two thousand thirteen, the superintendent of financial services and the commissioner of health, or their designee, shall purchase up to one thousand policies for excess coverage or equivalent excess coverage in addition to the number of policies purchased for excess coverage or equivalent excess coverage for the coverage period ending the thirtieth of June, two thousand thirteen.

A general hospital may certify additional eligible physicians or dentists in a number equal to such general hospital's proportional share of the total number of physicians or dentists for whom excess coverage or equivalent excess coverage was purchased with funds available in the hospital excess liability pool as of the thirtieth of June, two thousand thirteen, as applied to the greater of one thousand or the difference between the number of eligible physicians or dentists for whom a policy for excess coverage or equivalent excess coverage was purchased for the coverage period ending the thirtieth of June, two thousand thirteen and the number of such eligible physicians or dentists who have applied for excess coverage or equivalent excess coverage for the coverage period beginning the first of July, two thousand thirteen plus one thousand.

2. Notwithstanding any inconsistent provision of sections one hundred twelve and one hundred sixty-three of the state finance law, or sections one hundred forty-two and one hundred forty-three of the economic development law, or any other contrary provision of law, the superintendent of financial services may enter into a contract or contracts under this subdivision for the purpose of retaining an entity to administer the hospital excess liability pool without a competitive bid or request for proposal process, provided, however, that:

(a) The department of financial services shall post on its website, for a period of no less than thirty days:

(i) A description of the proposed services to be provided pursuant to the contract or contracts;

(ii) The criteria for selection of a contractor or contractors;

(iii) The period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and

(iv) The manner by which a prospective contractor may seek such selection, which may include submission by electronic means;

(b) All reasonable and responsive submissions that are received from prospective contractors in timely fashion shall be reviewed by the superintendent of financial services; and

(c) The superintendent of financial services shall select such contractor or contractors that, in the superintendent of financial services' discretion, are best suited to serve the purposes of this subdivision.