

NYS FINAL BUDGET LANGUAGE

April 2017

Excerpt Re: NYS Excess Medical Malpractice 2017-2018

Senate and Assembly Bills

S.05491 A.07067

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AN ACT to amend the public health law, in relation to, in relation to..... to amend chapter 520 of the laws of and other laws relating to enacting major components necessary to implement the state to amend chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to apportioning premium for certain policies; to amend part J of chapter 63 of the laws of 2001 amending chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending certain provisions concerning the hospital excess liability pool.....

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

13 (e) The commissioner of health shall transfer for deposit to the hospital
14 excess liability pool created pursuant to section 18 of chapter 266 of the
15 laws of 1986 such amounts as directed by the superintendent of financial
16 services for the purchase of excess liability insurance coverage for eligible
17 participating physicians and dentists for the policy year July 1, 2001 to
18 June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30,
19 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or
20 July 1, 2006 to June 30, 2007, as applicable, and the cost of administering
21 the hospital excess liability pool for such applicable policy year, pursuant
22 to the program established in chapter 266 of the laws of 1986, as amended, no
23 later than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
24 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010, June
25 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15, 2015, June
26 15, 2016, [and] June 15, 2017, and June 15, 2018 as applicable.

27 § 20. Notwithstanding any law, rule or regulation to the contrary, only
28 physicians or dentists who were eligible, and for whom the superintendent of
29 financial services and the commissioner of health, or their designee,
30 purchased, with funds available in the hospital excess liability pool, a full
31 or partial policy for excess coverage or equivalent excess coverage for the
32 coverage period ending the thirtieth of June, two thousand seventeen, shall
33 be eligible to apply for such coverage for the coverage period beginning the
34 first of July, two thousand seventeen; provided, however, if the total number
35 of physicians or dentists for whom such excess coverage or equivalent excess
36 coverage was purchased for the policy year ending the thirtieth of June, two
37 thousand seventeen exceeds the total number of physicians or dentists
38 certified as eligible for the coverage period beginning the first of July,
39 two thousand seventeen, then the general hospitals may certify additional
40 eligible physicians or dentists in a number equal to such general hospital's
41 proportional share of the total number of physicians or dentists for whom
42 excess coverage or equivalent excess coverage was purchased with funds
43 available in the hospital excess liability pool as of the thirtieth of June,
44 two thousand seventeen, as applied to the difference between the number of
45 eligible physicians or dentists for whom a policy for excess coverage or
46 equivalent excess coverage was purchased for the coverage period ending the
47 thirtieth of June, two thousand seventeen and the number of such eligible
48 physicians or dentists who have applied for excess coverage or equivalent
49 excess coverage for the coverage period beginning the first of July, two
50 thousand seventeen.