

# NYS FINAL BUDGET LANGUAGE

April 2018

Excerpt Re: NYS Excess Medical Malpractice 2018-2019

Senate and Assembly Bills

S.7507C A.9507C

*Pages 36-37*

41 e) The commissioner of health shall transfer for deposit to the  
42 hospital excess liability pool created pursuant to section 18 of chapter  
43 266 of the laws of 1986 such amounts as directed by the superintendent  
44 of financial services for the purchase of excess liability insurance  
45 coverage for eligible participating physicians and dentists for the  
46 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,  
47 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,  
48 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,  
49 2007, as applicable, and the cost of administering the hospital excess  
50 liability pool for such applicable policy year, pursuant to the program  
51 established in chapter 266 of the laws of 1986, as amended, no later  
52 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June  
53 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010,  
54 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,  
55 2015, June 15, 2016, June 15, 2017, [and] June 15, 2018 **and June 15.**  
56 **2019** as applicable.

1 § 6. Section 20 of part H of chapter 57 of the laws of 2017, amending  
2 the New York Health care Reform Act of 1996 and other laws relating to  
3 extending certain provisions thereto, is amended to read as follows:  
4 §20. Notwithstanding any law, rule or regulation to the contrary,  
5 only physicians or dentists who were eligible, and for whom the super-  
6 intendant of financial services and the commissioner of health, or their  
7 designee, purchased, with funds available in the hospital excess liability  
8 pool, a full or partial policy for excess coverage or equivalent  
9 excess coverage for the coverage period ending the thirtieth of June,  
10 two thousand [seventeen] eighteen, shall be eligible to apply for such  
11 coverage for the coverage period beginning the first of July, two thou-  
12 sand [seventeen] eighteen; provided, however, if the total number of  
13 physicians or dentists for whom such excess coverage or equivalent  
14 excess coverage was purchased for the policy year ending the thirtieth  
15 of June, two thousand (seventeen} eighteen exceeds the total number of  
16 physicians or dentists certified as eligible for the coverage period  
17 beginning the first of July, two thousand [seventeen] eighteen, then the  
18 general hospitals may certify additional eligible physicians or dentists  
19 in a number equal to such general hospital's proportional share of the  
20 total number of physicians or dentists for whom excess coverage or  
21 equivalent excess coverage was purchased with funds available in the  
22 hospital excess liability pool as of the thirtieth of June, two thousand  
23 [seventeen] eighteen, as applied to the difference between the number of  
24 eligible physicians or dentists for whom a policy for excess coverage or  
25 equivalent excess coverage was purchased for the coverage period ending  
26 the thirtieth of June, two thousand [seventeen] eighteen and the number  
27 of such eligible physicians or dentists who have applied for excess  
28 coverage or equivalent excess coverage for the coverage period beginning  
29 the first of July, two thousand [seventeen] eighteen.  
30 § 7. This act shall take effect immediately.