

NYS FINAL BUDGET LANGUAGE

April 2019

Excerpt Re: NYS Excess Medical Malpractice 2019-2020

Senate and Assembly Bills

S.1507C A.2007C

Page 29 and 30

32 (e) The commissioner of health shall transfer for deposit to the
33 hospital excess liability pool created pursuant to section 18 of chapter
34 266 of the laws of 1986 such amounts as directed by the superintendent
35 of financial services for the purchase of excess liability insurance
36 coverage for eligible participating physicians and dentists for the
37 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,
38 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,
39 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,
40 2007, as applicable, and the cost of administering the hospital excess
41 liability pool for such applicable policy year, pursuant to the program
42 established in chapter 266 of the laws of 1986, as amended, no later
43 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
44 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010
45 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,
46 2015, June 15, 2016, June 15, 2017, June 15, 2018, June 15, 2019
47 and June 15, 2020 as applicable.

48 § 6. Section 20 of part H of chapter 57 of the laws of 2017, amending
49 the New York Health Care Reform Act of 1996 and other laws relating to
50 extending certain provisions thereto, as amended by section 6 of part M
51 of chapter 57 of the laws of 2018, is amended to read as follows:

52 § 20. Notwithstanding any law, rule or regulation to the contrary,
53 only physicians or dentists who were eligible, and for whom the super-
54 intendant of financial services and the commissioner of health, or their
55 designee, purchased, with funds available in the hospital excess liabil-
56 ity pool, a full or partial policy for excess coverage or equivalent
1 excess coverage for the coverage period ending the thirtieth of June,
2 two thousand nineteen, shall be eligible to apply for such
3 coverage for the coverage period beginning the first of July, two thou-
4 sand nineteen; provided, however, if the total number of
5 physicians or dentists for whom such excess coverage or equivalent
6 excess coverage was purchased for the policy year ending the thirtieth
7 of June, two thousand nineteen exceeds the total number of
8 physicians or dentists certified as eligible for the coverage period
9 beginning the first of July, two thousand nineteen, then the
10 general hospitals may certify additional eligible physicians or dentists
11 in a number equal to such general hospital's proportional share of the
12 total number of physicians or dentists for whom excess coverage or
13 equivalent excess coverage was purchased with funds available in the
14 hospital excess liability pool as of the thirtieth of June, two thousand
15 nineteen, as applied to the difference between the number of
16 eligible physicians or dentists for whom a policy for excess coverage or
17 equivalent excess coverage was purchased for the coverage period ending
18 the thirtieth of June, two thousand nineteen and the number
19 of such eligible physicians or dentists who have applied for excess
20 coverage or equivalent excess coverage for the coverage period beginning
21 the first of July, two thousand nineteen.

22 § 7. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2019.