



**March 16, 2015**

**Re: Summary of New Disclosure Requirements for Diagnostic and Treatment D&TCs  
or Health D&TCs - New York State Public Health Law Section 24**

Dear Administrator:

As part of the 2014-2015 New York State budget, the “Emergency Medical Services and Surprise Bills” law, commonly referred to as the “Surprise Bill Law”, was passed to protect consumers against unknowingly receiving care from out-of-network providers and facing surprise medical bills. The law amends the New York Insurance Law, Public Health Law, and Financial Services Law and goes into effect March 31, 2015. The Emergency Medical Services and Surprise Bill Law can be found in Part H of Chapter 60 of the Laws of New York (2014).

The purpose of this letter is to inform **Diagnostic and Treatment Centers (D&TCs) licensed under Article 28 of the Public Health Law (PHL)** of your new obligations under Section 24 of the PHL to disclose to patients or prospective patients the health plan networks participated in by the D&TC and the health professionals rendering services at the D&TC, the hospitals with which the health care professionals are affiliated, and the fees that may not be covered by a patient’s specific health care plan, for which the patient may be charged. The new disclosure requirements are detailed below.

Disclosures must be provided to patients and prospective patients prior to the provision of non-emergency services either in writing or posted on a D&TC’s website regarding:

- health care plans with which the health care professional and D&TC participates [PHL § 24(1)], and
- hospitals with which the health care professional is affiliated [PHL § 24(1)].

Verbal disclosures must also to be provided to patients and prospective patients at the time an appointment is scheduled and include:

- health care plans with which the health care professional and D&TC participates [PHL § 24(1)], and
- hospitals with which the health care professional is affiliated [PHL § 24(1)].

A D&TC must also disclose to the patient when the D&TC or a health care professional does not participate in the network of a patient's or prospective patient's health care plan, and, if requested, the amount or estimated amount the patient may be billed. Essential components of this information:

- inform the patient or prospective patient, prior to the provision of non-emergency services, that the amount or estimated amount the patient will be billed for health care services is available upon request [PHL § 24(2)(a)].
- reveal in writing to the patient or prospective patient, upon receipt of a request, the amount or the estimated amount the patient will be billed for health care services, absent unforeseen medical circumstances that may arise when the health care services are provided. Note: A “health center” under 42 U.S.C. § 254b need only disclose a schedule of fees provided under 42 U.S.C. § 254b(k)(3)(G)(i) [PHL § 24(2)(b)].

Also attached for your information and action, as necessary, is a separate letter from the New York State Department of Health to physicians that details physician disclosure requirements under the Emergency Medical Services and Surprise Bill Law.

Additional guidance and information related to the Emergency Medical Services and Surprise Bill Law will soon be posted on the websites of the New York State Department of Health ([www.health.ny.gov](http://www.health.ny.gov)) and Department of Financial Services ([www.dfs.ny.gov](http://www.dfs.ny.gov)). If you have any questions, contact the Division of Hospitals and Diagnostic & Treatment Centers at (518) 402-1004.

Please make certain that all appropriate staff in your facility are aware of their responsibilities pertaining to these disclosures and their importance. Thank you in advance for your attention to these requirements and your efforts to assure compliance.

Sincerely,



Ruth Leslie  
Director  
Division of Hospitals and Diagnostic &  
Treatment Centers