

**Section 1.** Section (X) of the insurance law is amended by adding a new subsection (X) to read as follows:

(a) An air ambulance service provider or any affiliated entity who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is deemed to be engaged in the business of insurance to the extent that it contracts, promises, guarantees, or in any other way purports to pay, reimburse, or indemnify the copayments, deductibles or other cost-sharing amounts of a patient relating to the air ambulance transport as determined or set by the patient's health insurance provider, health care provider or other third parties or, any post-service payments of costs to third parties relating to the transport. ~~or other entity that directly or indirectly, whether through an affiliated entity, agreement with a third party entity, or otherwise, solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is an insurer.~~

(b) To the extent that an air ambulance membership subscription falls within the business of insurance described in paragraph (a) of this section, it ~~An air ambulance membership shall be considered insurance and an insurance product and may be considered secondary insurance coverage or a supplement to any insurance coverage and shall be regulated accordingly by the State Department of Insurance.~~

**Section 2. Air Ambulance Patient Billing Consumer Protections:**

(a) An air carrier operating air ambulance operations pursuant to section 1(a) of this Act shall, within one year of enactment of this Act, implement a patient advocacy program, which shall include, at a minimum, the following components:

**Section 3. Consumer disclosures.**

(a) An entity selling air ambulance membership products pursuant to section 1(a) of this Act shall make the following general disclosures in writing in bold type and not less than twelve (12) point font on any advertisement, marketing material, brochure or contract terms and conditions made available to prospective members or the public:

(1) If eligible and covered by Medicaid or Medicaid managed care, the prospective member is already covered with no out of pocket cost liability for air ambulance services; and

**Section 4. Severability**

If any provision, part or clause of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or provisions of this article or the article in its entirety.

**Section 54.** This act shall take effect one year after enactment.