S T A T E O F N E W Y O R K

4950

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to exceptions to the general prohibition on rebating

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3239 of the insurance law is amended by adding a new subsection (d) to read as follows:

(D) AN INSURANCE AGENT, INSURANCE BROKER OR INSURANCE CONSULTANT LICENSED UNDER ARTICLE TWENTY-ONE OF THIS CHAPTER, WHILE ACTING WITHIN THE SCOPE OF SUCH LICENSURE AND AS PART OF COMMISSIONS PAID OR UNDER SEPARATE FEE AGREEMENTS, SHALL BE AUTHORIZED TO ASSIST INSURERS AND EMPLOYERS IN THE DEVELOPMENT AND IMPLEMENTATION OF WELLNESS PROGRAMS, DISEASE MANAGEMENT AND CARE COORDINATION SERVICES, AND OTHER SUCH PROGRAMS AND SERVICES DESIGNED TO IMPROVE QUALITY OF CARE AND HEALTH OUTCOMES OF INSURED EMPLOYEES, SUBSCRIBERS OR ENROLLEES, BASED ON ACTUARIAL DEMONSTRATIONS THAT SUCH PROGRAMS AND SERVICES CAN BE REASONABLY EXPECTED TO RESULT IN THE OVERALL GOOD HEALTH AND WELL BEING OF THE GROUP.

S 2. Section 4224 of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) THIS SECTION SHALL NOT PROHIBIT AN INSURANCE AGENT, INSURANCE BROKER OR INSURANCE CONSULTANT LICENSED UNDER ARTICLE TWENTY-ONE OF THIS CHAPTER, WHILE ACTING WITHIN THE SCOPE OF SUCH LICENSURE AND AS PART OF COMMISSIONS PAID OR UNDER SEPARATE FEE AGREEMENTS, FROM ASSISTING INSURERS AND EMPLOYERS IN THE INTERPRETATION, MANAGEMENT AND COMMUNICATION OF THE INSURANCE POLICY OR ANNUITY CONTRACT AND ITS RESULTING COSTS. PERMISSIBLE SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO: WELLNESS PROGRAMS, DISEASE MANAGEMENT AND CARE COORDINATION SERVICES, ADMINISTRATION OF COBRA AND NEW YORK STATE CONTINUATION OF COVERAGE, ADMINISTRATION OF FLEXIBLE SPENDING ACCOUNTS (FSAS) AND HEALTH REIMBURSEMENT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ACCOUNTS (HSAS), CLINICAL HEALTH ADVOCACY SERVICES, INCLUDING EMPLOYEE, SUBSCRIBER OR ENROLLEE COMMUNICATIONS, HOTLINES, "HELP DESKS," AND WEB SITE DEVELOPMENT, PREPARATION OF ANNUAL BENEFIT STATEMENTS, MAINTENANCE OF MEMBERSHIP RECORDS, PREMIUM RECONCILIATION AND BILLING SERVICES, INCLUDING RETIREE BILLING, COMPLIANCE SUPPORT, INCLUDING COMPLETION OF ERISA FORM 5500, AND FINANCIAL MODELING.

S 3. This act shall take effect immediately.