

6810--B

Cal. No. 569

I N   S E N A T E

March 23, 2012

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Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to a health savings account pilot program and providing for the repeal of such provisions upon the expiration thereof

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

- 1     Section 1. The insurance law is amended by adding a new section 1124  
2     to read as follows:  
3     S 1124. MANAGED CARE HEALTH SAVINGS ACCOUNT. (A) A HEALTH MAINTENANCE  
4     ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
5     HEALTH LAW MAY OFFER A GROUP HIGH DEDUCTIBLE HEALTH PLAN, AS DEFINED IN  
6     PARAGRAPH TWO OF SUBSECTION C OF SECTION TWO HUNDRED TWENTY-THREE OF THE  
7     INTERNAL REVENUE CODE IN CONJUNCTION WITH A HEALTH REIMBURSEMENT ACCOUNT  
8     OR A HEALTH SAVINGS ACCOUNT ESTABLISHED PURSUANT TO FEDERAL TAX LAW,  
9     WHEN:  
10     (1) THE EMPLOYER GROUP PURCHASING THE HIGH DEDUCTIBLE PLAN IS A MUNI-  
11     CIPALITY, AND  
12     (2) THE EMPLOYER IS OBLIGATED TO CONTRIBUTE, PURSUANT TO A COLLECTIVE  
13     BARGAINING AGREEMENT OR OTHER BINDING ARRANGEMENT WITH ITS EMPLOYEES, AN  
14     AMOUNT AT LEAST EQUAL TO THE DEDUCTIBLE REQUIRED UNDER THE PLAN ON  
15     BEHALF OF EACH ENROLLED EMPLOYEE.  
16     (B) A HIGH DEDUCTIBLE HEALTH PLAN OFFERED PURSUANT TO SUBSECTION (A)  
17     OF THIS SECTION, WHICH OTHERWISE MEETS THE REQUIREMENTS OF ARTICLE  
18     FORTY-FOUR OF THE PUBLIC HEALTH LAW, SHALL BE DEEMED TO PROVIDE COMPRE-  
19     HENSIVE HEALTH SERVICES AND SHALL NOT BE DISAPPROVED DUE TO ITS COST  
20     SHARE ARRANGEMENT.  
21     (C) A MUNICIPALITY FOR PURPOSES OF THIS SECTION MEANS A TOWN.

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

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1 (D) A HEALTH MAINTENANCE ORGANIZATION OFFERING THE HIGH DEDUCTIBLE  
2 HEALTH PLAN PURSUANT TO THIS SECTION SHALL REPORT TO THE SUPERINTENDENT  
3 AND COMMISSIONER OF HEALTH THE NUMBER OF COVERED LIVES UNDER THE HIGH  
4 DEDUCTIBLE HEALTH PLAN OFFERED PURSUANT TO THIS SECTION COMPARED TO  
5 SIMILAR NON-HIGH DEDUCTIBLE HEALTH PLANS, THE PREMIUMS OF THE HIGH  
6 DEDUCTIBLE HEALTH PLAN OFFERED PURSUANT TO THIS SECTION COMPARED TO  
7 SIMILAR NON-HIGH DEDUCTIBLE HEALTH PLANS, THE CLAIMS EXPERIENCE UNDER  
8 THE HIGH DEDUCTIBLE HEALTH PLAN OFFERED PURSUANT TO THIS SECTION  
9 COMPARED TO SIMILAR NON-HIGH DEDUCTIBLE HEALTH PLANS, AND ANY OTHER  
10 PERTINENT INFORMATION THAT MAY BE REQUIRED BY THE SUPERINTENDENT OR THE  
11 COMMISSIONER OF HEALTH PRIOR TO APRIL FIRST, TWO THOUSAND FOURTEEN.

12 (E) THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO COVERAGE  
13 OFFERED PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO PRIOR  
14 TO THE EFFECTIVE DATE OF THIS SECTION.

15 S 2. This act shall take effect immediately and shall expire December  
16 31, 2015 when upon such date the provisions of this act shall be deemed  
17 repealed.