

1709

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. GRISANTI -- 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 establishing a demonstration program to prevent influenza; and providing for the repeal of such provisions upon 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 1123-b  
2     to read as follows:  
3     S 1123-B. HEALTH INSURANCE DEMONSTRATION PROGRAM TO PREVENT INFLUENZA.  
4     (A) PURPOSE OF THE DEMONSTRATION PROGRAM. THE LEGISLATURE RECOGNIZES  
5     THAT HUNDREDS OF THOUSANDS OF NEW YORK CITIZENS GET THE FLU EVERY YEAR.  
6     MOST CALL OUT OF WORK FOR DAYS TO NURSE THE ILLNESS, WHILE MANY OTHERS,  
7     LACKING PROPER IMMUNIZATION, SUCCUMB TO THE FLU EVERY YEAR, INCLUDING  
8     THE ELDERLY, CHRONICALLY ILL AND CHILDREN. THE FLU IS ONE OF THE MOST  
9     PREVENTABLE DISEASES IN BOTH SEVERITY AND OVERALL ILLNESS THROUGH VACCI-  
10    NATION. THE DEMONSTRATION PROGRAM IS INTENDED TO TEST MECHANISMS TO  
11    ASSIST INSURERS EXPAND BEYOND PREDETERMINED SETTINGS AND PROVIDERS  
12    CURRENTLY ELIGIBLE AS PARTICIPATING PROVIDERS BY INSURERS PROVIDING  
13    INFLUENZA VACCINATION FOR INFLUENZA.  
14    (B) DEFINITIONS. AS USED IN THIS SECTION:  
15    (1) "ELIGIBLE HEALTH CARE PROVIDER" MEANS A PERSON, CLINIC, AGENCY OR  
16    PHARMACY THAT IS LICENSED OR CERTIFIED PURSUANT TO THE PUBLIC HEALTH LAW  
17    OR EDUCATION LAW AND WHO IS LICENSED TO PRESCRIBE AND ADMINISTER  
18    VACCINES IN ACCORDANCE WITH STANDARDS AND REQUIREMENTS SET FORTH IN THE  
19    EDUCATION LAW OR ANY OTHER APPLICABLE LAW OR RULE.  
20    (2) "ELIGIBLE INSURER" MEANS ANY INSURER PROVIDING HEALTH INSURANCE  
21    COVERAGE PURSUANT TO ARTICLE FORTY-THREE OR THIRTY-TWO OF THIS CHAPTER  
22    AND IS LOCATED IN AN EIGHT, TWELVE OR FIVE COUNTY REGION OF THE WORK-

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

LBD04290-01-3

1 FORCE RETRAINING PROGRAM AS DEFINED PURSUANT TO SECTION TWENTY-EIGHT  
2 HUNDRED SEVEN-G OF THE PUBLIC HEALTH LAW.

3 (3) "REGION" MEANS AN EIGHT, TWELVE OR FIVE COUNTY REGION AS DEFINED  
4 FOR THE WORKFORCE RETRAINING PROGRAM PURSUANT TO SECTION TWENTY-EIGHT  
5 HUNDRED SEVEN-G OF THE PUBLIC HEALTH LAW.

6 (C) DEMONSTRATION PROGRAM TO PREVENT INFLUENZA. (1) BOTH INSURERS AND  
7 HEALTH CARE PROVIDERS SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER  
8 AND ANY REGULATIONS PROMULGATED THEREUNDER.

9 (2) SUBJECT TO PARAGRAPH THREE OF THIS SUBSECTION, THE SUPERINTENDENT  
10 MAY ISSUE AN APPROVAL TO AN ELIGIBLE HEALTH CARE PROVIDER PROVIDING  
11 VACCINATIONS IF:

12 (A) THE ELIGIBLE HEALTH CARE PROVIDER DEMONSTRATES THAT IT SATISFIES  
13 ALL FINANCIAL, OPERATIONAL AND OTHER REQUIREMENTS OF THIS CHAPTER AND  
14 REGULATIONS PROMULGATED THEREUNDER, OTHER THAN ANY REQUIREMENTS EXPRESS-  
15 LY WAIVED BY THIS SECTION, AND SHALL OPERATE THE DEMONSTRATION PROGRAM  
16 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION;

17 (B) THE SUPERINTENDENT DETERMINES THAT THE DEMONSTRATION PROGRAM  
18 FURTHERS THE PUBLIC POLICY GOALS OF THIS SECTION;

19 (C) THE HEALTH CARE PROVIDER INTENDS TO ADMINISTER INFLUENZA VACCINE  
20 IN THE REGION;

21 (D) THE NUMBER OF ELIGIBLE HEALTH CARE PROVIDERS DOES NOT EXCEED FIFTY  
22 IN THE REGION UNLESS THE ELIGIBLE INSURER IN SUCH REGION CONSENTS TO  
23 SUCH ADDITIONAL ELIGIBLE HEALTH CARE PROVIDERS.

24 (3) ANY ELIGIBLE HEALTH CARE PROVIDER SEEKING THE SUPERINTENDENT'S  
25 APPROVAL UNDER PARAGRAPH TWO OF THIS SUBSECTION SHALL SUBMIT A WRITTEN  
26 REQUEST TO THE SUPERINTENDENT WITHIN THIRTY DAYS OF THE EFFECTIVE DATE  
27 OF THIS SECTION. THE SUPERINTENDENT SHALL MAKE A DETERMINATION ON ANY  
28 REQUEST WITHIN NINETY DAYS OF RECEIPT OF ALL NECESSARY INFORMATION.

29 (4) THE SUPERINTENDENT MAY REVOKE AN APPROVAL ISSUED UNDER PARAGRAPH  
30 TWO OF THIS SUBSECTION IF: THE HEALTH CARE PROVIDER THAT RECEIVED SUCH  
31 APPROVAL NO LONGER QUALIFIES AS AN ELIGIBLE HEALTH CARE PROVIDER OR IS  
32 OTHERWISE OPERATING IN A MANNER INCONSISTENT WITH THE PROVISIONS OF THIS  
33 CHAPTER OR REGULATIONS PROMULGATED THEREUNDER. ELIGIBLE INSURERS SHALL  
34 SUBMIT PERIODIC REPORTS TO THE SUPERINTENDENT SUFFICIENT TO ENABLE THE  
35 SUPERINTENDENT TO EVALUATE THE EFFECTIVENESS OF THE DEMONSTRATION  
36 PROGRAM. SUCH REPORTS SHALL IDENTIFY WHETHER TRIVALENT INACTIVATED  
37 VACCINE OR LIVE ATTENUATED INFLUENZA VACCINE WAS UTILIZED. IN ADDITION  
38 SUCH REPORT SHALL INCLUDE WHETHER SUCH VACCINE WAS ADMINISTERED OUTSIDE  
39 A PHYSICIAN'S OFFICE, BARRIERS TO MAKING THE INFLUENZA VACCINATION MORE  
40 AVAILABLE AND ANY STRATEGIES FOR REMOVING SUCH BARRIERS.

41 S 2. This act shall take effect January 1, 2015 and shall expire Janu-  
42 ary 1, 2018 when upon such date the provisions of this act shall be  
43 deemed repealed.