

# STATE OF NEW YORK

---

4122

2025-2026 Regular Sessions

## IN SENATE

February 3, 2025

---

Introduced by Sens. JACKSON, BROUK, CLEARE, COMRIE, FERNANDEZ, HARCKHAM, HOYLMAN-SIGAL, MARTINEZ, MATTERA, PALUMBO, SEPULVEDA, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to clarifying that the New York state health insurance program remains subject to certain provisions of the financial services law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (b) of subdivision 1 of  
2 section 162 of the civil service law, as amended by section 3 of part T  
3 of chapter 56 of the laws of 2010, is amended to read as follows:

4 (i) Any and all health insurance coverage mandated by any law, rule or  
5 regulation, including but not limited to coverage mandated pursuant to  
6 article forty-three of the insurance law, applicable to contracts for  
7 health insurance entered into under this section shall be provided in a  
8 manner assuring uninterrupted continuance of coverage for all covered  
9 persons. Health benefits shall include a requirement that covered health  
10 care services provided to plan participants will be reimbursed at the  
11 level of at least eighty percent of the usual and customary cost of each  
12 out-of-network health care service. As used in this subparagraph,  
13 "usual and customary cost" shall mean the eightieth percentile of all  
14 charges for the particular health care service performed by a provider  
15 in the same or similar specialty and provided in the same geographical  
16 area as reported in a benchmarking database maintained by a nonprofit  
17 organization specified by the superintendent of financial services. For  
18 the purposes of this paragraph "coverage" shall include but shall not be  
19 limited to all benefits, services, rights, privileges and guarantees  
20 allowed by law;

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

LBD06196-01-5

1     § 2. Subdivision 1 of section 161-a of the civil service law, as  
2 amended by section 10 of part T of chapter 56 of the laws of 2010, is  
3 amended to read as follows:

4     1. Where, and to the extent that, an agreement between the state and  
5 an employee organization entered into pursuant to article fourteen of  
6 this chapter provides for health benefits, the president, after receipt  
7 of written directions from the director of employee relations, shall  
8 implement the provisions of such agreement consistent with the terms  
9 thereof and to the extent necessary shall adopt regulations providing  
10 for the benefits to be thereunder provided. The president, with the  
11 approval of the director of the budget, may extend such benefits, in  
12 whole or in part, provided that such benefits are not a diminishment of  
13 current existing benefits to employees not subject to the provisions of  
14 such agreement.

15     § 3. This act shall take effect immediately.