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

11543

I N A S S E M B L Y

June 23, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Parment) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing the Chautauqua County Chamber of Commerce health insurance pool demonstration 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:

Section 1. The insurance law is amended by adding a new article 42-A to read as follows:

ARTICLE 42-A

CHAUTAUQUA COUNTY CHAMBER OF COMMERCE

HEALTH INSURANCE POOL DEMONSTRATION PROGRAM

SECTION 4251. DEFINITIONS.

4252. PROGRAM.

4253. REPORTS.

S 4251. DEFINITIONS. AS USED IN THIS ARTICLE:

(A) "CHAMBER" MEANS THE CHAUTAUQUA COUNTY CHAMBER OF COMMERCE.

(B) "ELIGIBLE EMPLOYEE" MEANS AN EMPLOYEE WHO IS EMPLOYED BY AN ELIGIBLE EMPLOYER, AND SHALL INCLUDE SUCH EMPLOYEE'S DEPENDENTS, SPOUSE AND/OR DOMESTIC PARTNER.

(C) "ELIGIBLE EMPLOYER" MEANS (1) ANY INDIVIDUAL, OR PROPRIETARY OR NOT-FOR-PROFIT FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION IN THE COUNTY OF CHAUTAUQUA, THAT IS ACTIVELY ENGAGED IN BUSINESS IN THIS STATE AND EMPLOYS ONE HUNDRED OR FEWER EMPLOYEES, AND (2) ANY MUNICIPAL CORPORATION IN THE COUNTY OF CHAUTAUQUA THAT EMPLOYS ONE HUNDRED OR FEWER EMPLOYEES.

(D) "PROGRAM" MEANS THE CHAUTAUQUA COUNTY CHAMBER OF COMMERCE HEALTH INSURANCE POOL DEMONSTRATION PROGRAM.

S 4252. PROGRAM. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE CHAMBER IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH AND ADMINISTER THE CHAUTAUQUA COUNTY CHAMBER OF COMMERCE HEALTH INSURANCE POOL DEMONSTRATION PROGRAM TO BE OPEN TO ELIGIBLE BUSINESSES FOR THE

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

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PURPOSE OF PROVIDING HEALTH AND ACCIDENT INSURANCE COVERAGE AND BENEFITS TO ELIGIBLE EMPLOYEES.

(B) THE CHAMBER SHALL:

(1) APPOINT AN ADMINISTRATOR AND EMPLOY APPROPRIATE PERSONNEL AS NEEDED TO ADMINISTER AND OPERATE THE PROGRAM,

(2) ENTER INTO CONTRACTS WITH INSURERS TO PROVIDE HEALTH AND ACCIDENT INSURANCE COVERAGE AND BENEFITS TO ELIGIBLE EMPLOYEES,

(3) DEFINE THE HEALTH AND ACCIDENT INSURANCE COVERAGE AND BENEFITS WHICH THE CHAMBER WILL CONTRACT TO PURCHASE FROM PARTICIPATING INSURERS AND APPROVE THE PLANS OFFERED BY INSURERS APPLYING TO PARTICIPATE IN THE PROGRAM,

(4) UNDERTAKE ANY ACTIVITIES NECESSARY TO ADMINISTER THE PROGRAM, INCLUDING MARKETING AND PUBLICIZING THE PROGRAM, AND ENSURING PARTICIPATING INSURER, ELIGIBLE EMPLOYEE AND ELIGIBLE EMPLOYER COMPLIANCE WITH THE REQUIREMENTS OF THE PROGRAM,

(5) ESTABLISH RULES, CONDITIONS AND PROCEDURES FOR ELIGIBLE EMPLOYERS AND PARTICIPATING INSURERS,

(6) ESTABLISH A FINANCIAL RELATIONSHIP DIRECTLY WITH AGENTS OR BROKERS TO PROVIDE COVERAGE AND BENEFITS PURSUANT TO THE PROGRAM, AND

(7) ESTABLISH A MECHANISM TO COLLECT PREMIUMS FROM ELIGIBLE EMPLOYERS AND PAY PARTICIPATING INSURERS.

(C) THE CHAMBER, IN CONSULTATION AND COOPERATION WITH THE SUPERINTENDENT, SHALL CONTRACT WITH HEALTH AND ACCIDENT INSURERS FOR THE COVERAGE AND BENEFITS TO BE PROVIDED UNDER THE PROGRAM. SUCH COVERAGE AND BENEFITS SHALL INCLUDE, BUT NOT BE LIMITED TO, HOSPITAL AND PHYSICIAN VISITS, PRESCRIPTION DRUG BENEFITS, MENTAL HEALTH SERVICES AND DURABLE MEDICAL EQUIPMENT. SUCH COVERAGE SHALL, SUBJECT TO THE SUPERVISION OF THE SUPERINTENDENT, BE ISSUED ON AN EXPERIENCE RATED BASIS WITH A COMMUNITY RATING BASED ON FIVE THOUSAND LIVES INSURED.

(D) THE PREMIUMS PAID BY PARTICIPATING ELIGIBLE EMPLOYERS AND ELIGIBLE EMPLOYEES SHALL INCLUDE A SURCHARGE SUFFICIENT TO COVER THE COSTS OF THE PROGRAM, BUT NOT TO EXCEED ONE PERCENT OF THE PREMIUM.

(E) NEITHER THE CHAMBER OR ANY PARTICIPATING ELIGIBLE EMPLOYER SHALL BE DEEMED TO BE INELIGIBLE FOR ANY FEDERAL SUBSIDY OR TAX CREDIT ESTABLISHED PURSUANT TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010.

S 4253. REPORTS. (A) ANNUALLY, ON OR BEFORE NOVEMBER FIFTEENTH, THE CHAMBER SHALL SUBMIT A REPORT ON THE PROGRAM TO THE SUPERINTENDENT. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO DATA TRENDS INCLUDING BUSINESS AND MUNICIPAL CORPORATION PARTICIPATION, AND ANY SUCH OTHER INFORMATION AS THE SUPERINTENDENT SHALL DEEM TO BE NECESSARY.

(B) ON OR BEFORE JUNE FIRST, TWO THOUSAND THIRTEEN, THE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE PROGRAM TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE THE SUPERINTENDENT'S FINDINGS AND CONCLUSIONS RELATED TO THE COSTS OF SAVINGS FROM AND PARTICIPATION IN THE PROGRAM.

S 2. This act shall take effect December 1, 2010, and shall expire and be deemed repealed December 1, 2013.