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

2074

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. JOHN, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the labor law, in relation to the preparation of a public health program access beneficiary report and requiring the disclosure of certain information pertaining to employer-provided health insurance

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

Section 1. Section 206 of the public health law is amended by adding a new subdivision 26 to read as follows:

26. A. THE COMMISSIONER SHALL PREPARE, WITH THE ASSISTANCE OF THE DEPARTMENT OF LABOR AND OF ANY OTHER STATE AGENCY OR ANY SOCIAL SERVICES DISTRICT FROM WHICH THE COMMISSIONER MAY REQUIRE INFORMATION PERTINENT TO THE PERFORMANCE OF THE DUTY ESTABLISHED BY THIS SUBDIVISION, AN ANNUAL PUBLIC HEALTH PROGRAM ACCESS BENEFICIARY REPORT. SUCH REPORT SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE MADE AVAILABLE BY THE DEPARTMENT AND THE DEPARTMENT OF LABOR TO THE PUBLIC IN PRINTED FORM FOR A REASONABLE FEE TO DEFRAY THE PRINTING COSTS. SUCH REPORT SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC AT NO CHARGE VIA THE INTERNET ON THE WEBSITES OF THE DEPARTMENT AND THE DEPARTMENT OF LABOR. IN ADDITION, THE DEPARTMENT OF LABOR SHALL PROVIDE MULTIPLE PRINTED COPIES OF SUCH REPORT FOR PUBLIC VIEWING, FREE OF CHARGE, AT ALL OF ITS OFFICES WHICH PROVIDE UNEMPLOYMENT INSURANCE OR EMPLOYMENT ASSISTANCE SERVICES.

B. FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

(1) "EMPLOYER" MEANS ANY PERSON OR OTHER ENTITY, PUBLIC (INCLUDING THE STATE) OR PRIVATE, EMPLOYING TWENTY-FIVE OR MORE PUBLIC HEALTH PROGRAM ACCESS BENEFICIARIES (EXCLUSIVE OF SPOUSES AND OTHER DEPENDENTS), WHETHER FULL-TIME OR PART-TIME, AT ANY ONE TIME WITHIN A CALENDAR YEAR.

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

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(2) "PUBLIC HEALTH PROGRAM" MEANS MEDICAL ASSISTANCE FOR NEEDY PERSONS PURSUANT TO TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW, THE FAMILY HEALTH PLUS PROGRAM PURSUANT TO TITLE ELEVEN-D OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW, AND THE CHILD HEALTH INSURANCE PLAN PURSUANT TO TITLE ONE-A OF ARTICLE TWENTY-FIVE OF THIS CHAPTER.

(3) "PUBLIC HEALTH PROGRAM ACCESS BENEFICIARY" MEANS ANY PERSON, WHO IS ENROLLED IN A PUBLIC HEALTH PROGRAM, EMPLOYED BY AN EMPLOYER AND INCLUDES THE SPOUSE AND OTHER DEPENDENTS OF SUCH PERSON.

C. SUCH REPORT SHALL PROVIDE THE FOLLOWING INFORMATION FOR EACH EMPLOYER:

(1) THE NAME AND ADDRESS OF THE EMPLOYER;

(2) THE NUMBER OF PUBLIC HEALTH PROGRAM ACCESS BENEFICIARIES WHO ARE EMPLOYEES (EXCLUSIVE OF SPOUSES AND OTHER DEPENDENTS) OF THE EMPLOYER;

(3) THE NUMBER OF PUBLIC HEALTH PROGRAM ACCESS BENEFICIARIES WHO ARE SPOUSES OR DEPENDENTS OF EMPLOYEES OF THE EMPLOYER;

(4) WHETHER OR NOT THE EMPLOYER OFFERS HEALTH BENEFITS TO ITS EMPLOYEES AND THEIR SPOUSES AND DEPENDENTS; AND

(5) THE COST TO THE STATE, INCLUDING POLITICAL SUBDIVISIONS OF THE STATE, OF PROVIDING PUBLIC HEALTH PROGRAM BENEFITS FOR ALL PUBLIC HEALTH PROGRAM ACCESS BENEFICIARIES, BROKEN DOWN AND AGGREGATED BY SPECIFIC PUBLIC HEALTH PROGRAMS. SUCH REPORT SHALL NOT INCLUDE NAMES OF ANY INDIVIDUAL PUBLIC HEALTH PROGRAM ACCESS BENEFICIARY AND SHALL BE SUBJECT TO THE CONFIDENTIALITY AND PRIVACY LAWS, REGULATIONS, AND STANDARDS OF THE STATE AND THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

S 2. Section 21 of the labor law is amended by adding a new subdivision 14 to read as follows:

14. SHALL ASSIST THE COMMISSIONER OF HEALTH IN THE PREPARATION OF THE ANNUAL PUBLIC HEALTH PROGRAM ACCESS BENEFICIARY REPORT PURSUANT TO SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW AND SHALL DISSEMINATE SUCH REPORT AS THEREIN PROVIDED.

S 3. The labor law is amended by adding a new section 201-g to read as follows:

S 201-G. NOTICE OF HEALTH INSURANCE AVAILABILITY. 1. EVERY EMPLOYER OR SUBSIDIARY THEREOF, AT ANY AND ALL OF ITS LOCATIONS WITHIN THE STATE, IN ANY PUBLIC NOTICE OR ADVERTISEMENT ISSUED OR PUBLISHED BY IT ABOUT EMPLOYMENT WITH THE EMPLOYER SHALL STATE WHETHER OR NOT IT OFFERS HEALTH INSURANCE TO ITS EMPLOYEES, THEIR SPOUSES, OR OTHER DEPENDENTS.

2. THE TERM "EMPLOYER", AS USED IN THIS SECTION, MEANS AND INCLUDES AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, LEGAL REPRESENTATIVE, TRUSTEE, RECEIVER, TRUSTEE IN BANKRUPTCY, ANY COMMON CARRIER BY RAIL, MOTOR, WATER, AIR, OR EXPRESS COMPANY DOING BUSINESS IN OR OPERATING WITHIN THE STATE, OR ANY OTHER LEGAL ENTITY.

S 4. This act shall take effect immediately; provided that the report required by section one of this act shall be first published not later than the close of the calendar year of the year next succeeding the year in which this act shall have become a law and annually thereafter; provided further that section three of this act shall take effect on the one hundred twentieth day next succeeding the date on which this act shall have become a law. Effective immediately, the commissioners of health and labor are authorized to promulgate any and all rules and regulations and take any other measures necessary for the timely implementation of the several sections of this act on their respective effective or applicability dates on or before such dates, respectively.