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

3124

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BRADLEY, PHEFFER, McENENY -- Multi-Sponsored by -- M. of A. GREENE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to establishing a long term care insurance program for all state employees and retirees

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

Section 1. The civil service law is amended by adding a new section 176-a to read as follows:

S 176-A. MANDATORY LONG TERM CARE INSURANCE PROGRAM. 1. THE PRESIDENT SHALL COOPERATE WITH THE SUPERINTENDENT OF INSURANCE TO ESTABLISH A LONG TERM CARE INSURANCE PROGRAM FOR ALL STATE EMPLOYEES AND RETIREES. SUCH PROGRAM SHALL: (A) PROVIDE INSURANCE COVERAGE, FOR THE ADMISSION TO, AND CARE AND TREATMENT BY, A NURSING HOME AS SELECTED BY THE EMPLOYEE OR RETIREE, IN SUCH AMOUNT NOT LESS THAN THE AVERAGE DAILY COST IN THE REGION IN WHICH THE EMPLOYEE OR RETIREE RESIDES, FOR AS LONG AS THE EMPLOYEE OR RETIREE RESIDES IN SUCH NURSING HOME;

(B) PROVIDE, IN ADDITION TO SUCH NURSING HOME COVERAGE, IN HOME CARE COVERAGE FOR THE CARE AND TREATMENT BY AN IN HOME CARE PROGRAM AS SELECTED BY THE EMPLOYEE OR RETIREE, IN SUCH AMOUNT NOT LESS THAN THE AVERAGE DAILY COST IN THE REGION IN WHICH THE EMPLOYEE OR RETIREE RESIDES, FOR AS LONG AS THE EMPLOYEE OR RETIREE REQUIRES SUCH IN HOME CARE OR TREATMENT;

(C) PROVIDE SUCH NURSING HOME COVERAGE AND IN HOME CARE COVERAGE TO ANY EMPLOYEE OR RETIREE OVER AGE SEVENTY WHO WAS AN ACTIVE STATE EMPLOYEE AS OF THE EFFECTIVE DATE OF THIS SECTION;

(D) MANDATE THE PROVISION OF SUCH COVERAGE TO ALL EMPLOYEES AND RETIREES IN THE SAME MANNER AS HEALTH INSURANCE BENEFITS WITH EMPLOYEE CONTRIBUTIONS NOT EXCEEDING THOSE CURRENTLY IMPOSED FOR HEALTH INSURANCE BENEFITS;

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

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(E) PROVIDE THAT ALL EMPLOYEES OR RETIREES SO COVERED UNDER THIS PROGRAM SHALL BE INELIGIBLE TO RECEIVE MEDICAID REIMBURSEMENT FOR ANY COVERAGE PROVIDED PURSUANT TO THIS PROGRAM, AND AS SUCH SHALL NOT BE REQUIRED TO DIVEST ASSETS OR MEET MEDICAID ELIGIBILITY REQUIREMENTS; AND

(F) HAVE A DOMESTIC INSURER, SELECTED BY THE PRESIDENT AND SUPERINTENDENT OF INSURANCE, THAT HAS PREVIOUS EXPERIENCE IN UNDERWRITING LARGE SCALE LONG TERM INSURANCE PROGRAMS.

2. THE PRESIDENT, WITH THE SUPERINTENDENT OF INSURANCE, SHALL ESTABLISH THIS PROGRAM ON OR BEFORE JULY FIRST, TWO THOUSAND TEN.

S 2. This act shall take effect immediately.