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

3294

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 26, 2009

Introduced by M. of A. WEPRIN -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prepaid health insurance plans

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

Section 1. Subsection (b) of section 4326 of the insurance law, as amended by chapter 342 of the laws of 2004, is amended to read as follows:

(b) Participation in the program established by this section and section four thousand three hundred twenty-seven of this article is limited to corporations or insurers organized or licensed under this article or article forty-two of this chapter [and], health maintenance organizations issued a certificate of authority under article forty-four of the public health law or licensed under this article, AND ENTITIES CERTIFIED UNDER SECTION FORTY-FOUR HUNDRED THREE-A OF THE PUBLIC HEALTH LAW. Participation by all health maintenance organizations is mandatory, provided, however, that such requirements shall not apply to a health maintenance organization exclusively serving individuals enrolled pursuant to title eleven of article five of the social services law, title eleven-D of article five of the social services law, title one-A of article twenty-five of the public health law or title eighteen of the federal Social Security Act, and, further provided, that such health maintenance organization shall not discontinue a contract for an individual receiving comprehensive-type coverage in effect prior to January first, two thousand four who is ineligible to purchase policies offered after such date pursuant to this section or section four thousand three hundred twenty-two of this article due to the provision of 42 U.S.C. 1395ss in effect prior to January first, two thousand four. On and after January first, two thousand one, all health maintenance organizations shall offer qualifying group health insurance contracts and qualifying

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

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individual health insurance contracts as defined in this section. For the purposes of this section and section four thousand three hundred twenty-seven of this article, article forty-three corporations [or], article forty-two insurers OR ENTITIES CERTIFIED UNDER SECTION FORTY-FOUR HUNDRED THREE-A OF THE PUBLIC HEALTH LAW which voluntarily participate in compliance with the requirements of this program shall be eligible for reimbursement from the stop loss funds created pursuant to section four thousand three hundred twenty-seven of this article under the same terms and conditions as health maintenance organizations.

S 2. This act shall take effect immediately and shall apply to all contracts altered, modified or amended on and after such effective date.