

3541

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the tax law and the state finance law, in relation to
imposing a tax on health maintenance organizations and creating the
medical malpractice relief fund

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

1 Section 1. The tax law is amended by adding a new article 33-C to read
2 as follows:

3 ARTICLE 33-C

4 TAX ON HEALTH MAINTENANCE ORGANIZATIONS

5 SECTION 1580. DEFINITION.

6 1581. IMPOSITION OF TAX.

7 1582. DEPOSIT AND DISPOSITION OF REVENUE.

8 S 1580. DEFINITION. FOR THE PURPOSE OF THIS ARTICLE "HEALTH MAINTE-
9 NANCE ORGANIZATION" MEANS ANY PERSON, NATURAL OR CORPORATE, OR ANY
10 GROUPS OF SUCH PERSONS WHO ENTER INTO AN ARRANGEMENT, AGREEMENT OR PLAN
11 OR ANY COMBINATION OF ARRANGEMENTS OR PLANS WHICH PROPOSE TO PROVIDE OR
12 OFFER, OR WHICH DO PROVIDE OR OFFER, A COMPREHENSIVE HEALTH SERVICES
13 PLAN PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

14 S 1581. IMPOSITION OF TAX. THERE IS HEREBY IMPOSED ON ANY HEALTH MAIN-
15 TENANCE ORGANIZATION ESTABLISHED PURSUANT TO ARTICLE FORTY-FOUR OF THE
16 PUBLIC HEALTH LAW AND AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE
17 UNDER A CERTIFICATE OF AUTHORITY FROM THE SUPERINTENDENT OF INSURANCE A
18 TAX AT THE RATE OF BETWEEN ONE HALF PERCENT AND ONE PERCENT OF THE
19 REPORTED PROFITS EACH FISCAL YEAR. THE COMMISSIONER, IN CONJUNCTION WITH
20 THE SUPERINTENDENT OF INSURANCE SHALL PROMULGATE RULES AND REGULATIONS
21 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. NOTHING IN THIS ARTI-
22 CLE MODIFIES OR ABROGATES ANY PROVISION OF THE INSURANCE LAW.

23 S 1582. DEPOSIT AND DISPOSITION OF REVENUE. ALL TAXES, INTEREST AND
24 PENALTIES COLLECTED OR RECEIVED BY THE COMMISSIONER UNDER THIS ARTICLE

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

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1 SHALL BE DEPOSITED INTO THE MEDICAL MALPRACTICE RELIEF FUND PURSUANT TO
2 SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

3 S 2. The state finance law is amended by adding a new section 97-jjjj
4 to read as follows:

5 S 97-JJJJ. MEDICAL MALPRACTICE RELIEF FUND. 1. THERE IS HEREBY ESTAB-
6 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
7 ER OF TAXATION AND FINANCE A SPECIAL REVENUE FUND TO BE KNOWN AS THE
8 "MEDICAL MALPRACTICE RELIEF FUND".

9 2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED FROM TAXES ASSESSED
10 ON HEALTH MAINTENANCE ORGANIZATIONS PURSUANT TO ARTICLE THIRTY-THREE-C
11 OF THE TAX LAW.

12 3. MONEYS IN THE FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE
13 COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE STATE COMP-
14 TROLLER.

15 4. MONEYS IN THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE,
16 SHALL BE EXPENDED BY THE SUPERINTENDENT OF INSURANCE FOR THE PURPOSE OF
17 PROVIDING RELIEF TO HEALTH CARE PRACTITIONERS BY REDUCING THE INCREASING
18 COSTS OF MEDICAL MALPRACTICE INSURANCE.

19 S 3. This act shall take effect April 1, 2010; provided, however that
20 effective immediately, the addition, amendment and/or repeal of any rule
21 or regulation necessary for the implementation of this act on its effec-
22 tive date are authorized and directed to be made and completed on or
23 before such effective date.