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

4052--B

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CYMBROWITZ, JOHN, PHEFFER, REILLY, ABBATE -- Multi-Sponsored by -- M. of A. BRENNAN, KOON, ROBINSON -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the public health law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for insurance claims or billing purposes

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

Section 1. Paragraph 16 of subsection (a) of section 3217-a of the insurance law, as added by chapter 705 of the laws of 1996, is amended and a new paragraph 16-a is added to read as follows:

(16) notice of all appropriate mailing addresses and telephone numbers to be utilized by insureds seeking information or authorization; [and]

(16-A) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF THIS ARTICLE WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO SUCH INSURER BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR HER; AND

S 2. The insurance law is amended by adding a new section 3234-a to read as follows:

S 3234-A. ALTERNATIVE CONTACT INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE. (A) EVERY INSURER, CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, MUNICIPAL COOPERATIVE HEALTH BENEFITS PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER AND HEALTH

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

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MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW IS REQUIRED TO PROVIDE ANY INSURED OR SUBSCRIBER WHO IS A VICTIM OF DOMESTIC VIOLENCE, UPON WRITTEN REQUEST OF SUCH INSURED OR SUBSCRIBER, WITH THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES.

(B) THE WRITTEN REQUEST REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL BE IN THE FORM OF AN ATTESTATION STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER THE INSURED OR SUBSCRIBER.

(C) FOR PURPOSES OF THIS SECTION, THE TERM "VICTIM OF DOMESTIC VIOLENCE" SHALL HAVE THE SAME MEANING AS CONTAINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

S 3. Paragraphs 17 and 18 of subsection (a) of section 4324 of the insurance law, as added by chapter 705 of the laws of 1996, are amended and a new paragraph 19 is added to read as follows:

(17) where applicable, a listing by specialty, which may be in a separate document that is updated annually, of the name, address, and telephone number of all participating providers, including facilities, and in addition, in the case of physicians, board certification; [and]

(18) a description of the mechanisms by which subscribers may participate in the development of the policies of the corporation[.]; AND

(19) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF THIS CHAPTER WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO SUCH CORPORATION BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR HER.

S 4. Paragraphs (q) and (r) of subdivision 1 of section 4408 of the public health law, as added by chapter 705 of the laws of 1996, are amended and a new paragraph (s) is added to read as follows:

(q) notice of all appropriate mailing addresses and telephone numbers to be utilized by enrollees seeking information or authorization; [and]

(r) a listing by specialty, which may be in a separate document that is updated annually, of the name, address and telephone number of all participating providers, including facilities, and, in addition, in the case of physicians, board certification[.]; AND

(S) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF THE INSURANCE LAW WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO THE HEALTH MAINTENANCE ORGANIZATION BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR HER.

S 5. Section 2612 of the insurance law is amended by adding a new subsection (h) to read as follows:

(H) IN ACCORDANCE WITH AND SUBJECT TO THE PROVISIONS OF PARAGRAPH SIXTEEN-A OF SUBSECTION (A) OF SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN-A, SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A AND PARAGRAPH NINETEEN OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE HUNDRED TWENTY-FOUR OF THIS CHAPTER, AND PARAGRAPH (S) OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED EIGHT OF THE PUBLIC HEALTH LAW, IF ANY PERSON COVERED BY AN INSURANCE POLICY OR CONTRACT ISSUED TO ANOTHER PERSON AS THE POLICY HOLDER OR SUBSCRIBER DELIVERS TO THE ISSUER OF SUCH POLICY OR

CONTRACT, AT ITS HOME OFFICE, A NOTICE THAT SUCH INSURED OR SUBSCRIBER IS A VICTIM OF DOMESTIC VIOLENCE, THEN SUCH ISSUER SHALL HONOR THE REQUEST OF SUCH VICTIM TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES. FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "VICTIM OF DOMESTIC VIOLENCE" SHALL HAVE THE SAME MEANING AS CONTAINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, altered or modified on or after such effective date.