

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 16 of subsection (a) of section 3217-a of the
2 insurance law, as added by chapter 705 of the laws of 1996, is amended
3 and a new paragraph 16-a is added to read as follows:
4 (16) notice of all appropriate mailing addresses and telephone numbers
5 to be utilized by insureds seeking information or authorization; [and]
6 (16-A) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING
7 ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR
8 THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC
9 BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-
10 FOUR-A OF THIS ARTICLE WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO
11 SUCH INSURER BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE
12 STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR
13 HER; AND
14 S 2. The insurance law is amended by adding a new section 3234-a to
15 read as follows:
16 S 3234-A. ALTERNATIVE CONTACT INFORMATION FOR VICTIMS OF DOMESTIC
17 VIOLENCE. (A) EVERY INSURER, CORPORATION ORGANIZED PURSUANT TO ARTICLE
18 FORTY-THREE OF THIS CHAPTER, MUNICIPAL COOPERATIVE HEALTH BENEFITS PLAN
19 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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1 MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE
2 PUBLIC HEALTH LAW IS REQUIRED TO PROVIDE ANY INSURED OR SUBSCRIBER WHO
3 IS A VICTIM OF DOMESTIC VIOLENCE, UPON WRITTEN REQUEST OF SUCH INSURED
4 OR SUBSCRIBER, WITH THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING
5 ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR
6 THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC
7 BILLING PURPOSES.

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

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

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

17 (17) where applicable, a listing by specialty, which may be in a sepa-
18 rate document that is updated annually, of the name, address, and tele-
19 phone number of all participating providers, including facilities, and
20 in addition, in the case of physicians, board certification; [and]

21 (18) a description of the mechanisms by which subscribers may partic-
22 ipate in the development of the policies of the corporation[.]; AND

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

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

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

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

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

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

49 (H) IN ACCORDANCE WITH AND SUBJECT TO THE PROVISIONS OF PARAGRAPH
50 SIXTEEN-A OF SUBSECTION (A) OF SECTION THREE THOUSAND TWO HUNDRED SEVEN-
51 TEEN-A, SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A AND PARAGRAPH
52 NINETEEN OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE HUNDRED TWEN-
53 TY-FOUR OF THIS CHAPTER, AND PARAGRAPH (S) OF SUBDIVISION ONE OF SECTION
54 FORTY-FOUR HUNDRED EIGHT OF THE PUBLIC HEALTH LAW, IF ANY PERSON COVERED
55 BY AN INSURANCE POLICY OR CONTRACT ISSUED TO ANOTHER PERSON AS THE POLI-
56 CY HOLDER OR SUBSCRIBER DELIVERS TO THE ISSUER OF SUCH POLICY OR

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

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