

4223

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 2, 2009

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Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A.  
BACALLES, FINCH -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to creating a New York health benefit and cost commission

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

1     Section 1. Legislative intent. It is the desire of the legislature to  
2     ensure that health coverage provides the care, treatment and service  
3     that people need, and to ensure that the coverage is affordable and  
4     available. The legislature finds that there is a need for a comprehensive  
5     review of all current benefits mandated by statute, and for accurate  
6     cost analysis of proposed mandates.  
7     S 2. The insurance law is amended by adding a new section 3221-a to  
8     read as follows:  
9     S 3221-A. HEALTH BENEFIT AND COST COMMISSION. (A) FOR THE PURPOSES OF  
10    THIS SECTION, "MANDATED HEALTH BENEFIT" SHALL MEAN ANY REQUIREMENT THAT  
11    INDIVIDUAL, GROUP OR BLANKET ACCIDENT AND HEALTH INSURANCE POLICIES OR  
12    CONTRACTS ISSUED BY HOSPITAL OR HEALTH SERVICE CORPORATIONS INCLUDE:  
13    (1) COVERAGE FOR SPECIFIC HEALTH SERVICES, TREATMENT, TESTS, DRUGS,  
14    SUPPLIES, OR EQUIPMENT TO DIAGNOSE OR TREAT A PARTICULAR DISEASE OR  
15    CONDITION; AND  
16    (2) COVERAGE FOR SERVICES OF SPECIFIC PROVIDERS OF HEALTH CARE  
17    SERVICES.  
18    (B) THERE IS HEREBY CREATED A COMMISSION WITHIN THE DEPARTMENT, TO BE  
19    KNOWN AS THE "NEW YORK HEALTH BENEFIT AND COST COMMISSION" CONSISTING OF  
20    THIRTEEN MEMBERS TO BE APPOINTED AS FOLLOWS: THREE TO BE APPOINTED BY  
21    THE GOVERNOR, THREE TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
22    SENATE, THREE TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, AND ONE  
23    EACH TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND THE ASSEMBLY.  
24    THE SUPERINTENDENT AND THE COMMISSIONER OF HEALTH, OR THEIR DESIG-

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

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1 NATED REPRESENTATIVES, SHALL ALSO SERVE AS MEMBERS OF THE COMMISSION.  
2 THE MEMBERS SHALL ELECT A PERSON TO SERVE AS CHAIR.

3 (C) EACH MEMBER SHALL SERVE FOR A TERM OF FOUR YEARS. VACANCIES SHALL  
4 BE APPOINTED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. THE MEMBERS OF  
5 THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT  
6 SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORM-  
7 ANCE OF THEIR DUTIES. THE COMMISSION MAY REQUEST AND SHALL RECEIVE FROM  
8 ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, OFFICE, AGENCY OR OTHER  
9 INSTRUMENTALITY OF THE STATE, SUCH FACILITIES, ASSISTANCE AND DATA AS IT  
10 DEEMS NECESSARY OR DESIRABLE FOR THE PROPER EXECUTION OF ITS POWERS AND  
11 DUTIES. THE COMMISSION MAY SEEK THE ASSISTANCE AND ADVICE OF ANY PERSON,  
12 ORGANIZATION OR ENTITY AS MAY BE RELEVANT OR NECESSARY AND MAY HIRE OR  
13 CONTRACT WITH ANY SUCH PERSON, ORGANIZATION OR ENTITY. THE COMMISSION  
14 SHALL HAVE THE POWER TO HOLD PUBLIC HEARINGS AND SOLICIT TESTIMONY ON  
15 ANY MATTER IT DEEMS RELEVANT TO CARRYING OUT ITS MISSION.

16 (D) THE COMMISSION SHALL, UPON THE WRITTEN REQUEST OF THE GOVERNOR,  
17 THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY,  
18 CONDUCT A REVIEW AND PUBLIC COMMENT PERIOD, AND ISSUE A REPORT RELATING  
19 TO SPECIFIED LEGISLATION WHICH WOULD ENACT A MANDATED HEALTH BENEFIT.  
20 SUCH ISSUANCE SHALL:

21 (1) CONSIDER AND SUMMARIZE ALL PUBLIC COMMENT AND ALL SCIENTIFIC,  
22 MEDICAL, AND ACTUARIAL DATA AND INFORMATION PROVIDED OR OBTAINED RELAT-  
23 ING TO THE PROPOSED MANDATED HEALTH BENEFIT;

24 (2) REPORT ON PUBLIC AND PATIENT HEALTH ISSUES, INCLUDING:

25 (I) THE EXTENT TO WHICH THE PROPOSED MANDATED HEALTH BENEFIT IS AVAIL-  
26 ABLE AND UTILIZED BY THE STATE'S POPULATION AND THE LEVEL OF PUBLIC  
27 DEMAND FOR THE BENEFIT;

28 (II) THE EXTENT TO WHICH THE PROPOSED MANDATED HEALTH BENEFIT IS  
29 ALREADY A COVERED HEALTH BENEFIT;

30 (III) IF COVERAGE IS NOT GENERALLY AVAILABLE, THE EXTENT TO WHICH THE  
31 LACK OF COVERAGE RESULTS IN PERSONS BEING UNABLE TO OBTAIN NECESSARY  
32 HEALTH CARE AND RESULTS IN FINANCIAL HARDSHIP FOR THOSE NEEDING SUCH  
33 CARE;

34 (IV) PROJECTED UTILIZATION RATES AND ACCESS TO SERVICE WHICH WOULD  
35 RESULT FROM THE PROPOSED MANDATED HEALTH BENEFIT;

36 (V) WHETHER THE PROPOSED MANDATED HEALTH BENEFIT IS A MEDICAL OR A  
37 BROADER SOCIAL NEED AND WHETHER IT IS CONSISTENT WITH THE ROLE OF HEALTH  
38 INSURANCE AND MANAGED HEALTH CARE; AND

39 (VI) THE EXTENT TO WHICH THE PROPOSED MANDATED HEALTH BENEFIT IS  
40 GENERALLY RECOGNIZED BY THE MEDICAL COMMUNITY AS BEING EFFECTIVE AND  
41 EFFICACIOUS, INCLUDING APPROPRIATE REVIEW BY SCIENTIFIC AND MEDICAL PEER  
42 REVIEW LITERATURE;

43 (3) REPORT ON ACCESS TO COVERAGE AND ECONOMIC ISSUES INCLUDING:

44 (I) THE IMPACT ON PREMIUMS, RATES AND COSTS OF HEALTH COVERAGE IN ALL  
45 AFFECTED MARKETS;

46 (II) THE IMPACT THAT THE PROPOSED MANDATED HEALTH BENEFIT MAY HAVE ON  
47 THE AVAILABILITY OF OTHER BENEFITS; AND

48 (III) THE IMPACT THAT THE PROPOSED MANDATED HEALTH BENEFIT MAY HAVE ON  
49 THE AVAILABILITY OF HEALTH COVERAGE IN EACH AFFECTED MARKET, AND THE  
50 IMPACT ON THE NUMBER OF PERSONS COVERED THROUGH SELF-INSURED PLANS; AND

51 (4) REPORT ON ANY OTHER MATTER, QUESTION OR CONCERN RELATING TO A  
52 MANDATED HEALTH BENEFIT AS MAY BE DETERMINED RELEVANT BY THE COMMISSION  
53 OR BY THE PERSON HAVING ISSUED THE REQUEST.

54 (E) THE COMMISSION, UPON RECEIPT OF A REQUEST, SHALL ALLOW A THIRTY  
55 DAY PUBLIC COMMENT PERIOD AND SHALL ISSUE A REPORT TO THE GOVERNOR AND  
56 THE LEGISLATURE WITHIN NINETY DAYS AFTER RECEIPT OF A WRITTEN REQUEST.

1 THE COMMISSION MAY EXTEND ITS REVIEW PERIOD AND REPORTING TIME UPON  
2 CONSENT OF THE PERSON HAVING ISSUED THE REQUEST.

3 (F) THE COMMISSION SHALL REVIEW AND REPORT ON UTILIZATION RATES,  
4 PUBLIC AND PATIENT HEALTH EFFECTS, AND IMPACT ON PREMIUMS AND ACCESS TO  
5 HEALTH CARE AND HEALTH COVERAGE OF ALL MANDATED HEALTH BENEFITS EXISTING  
6 ON THE EFFECTIVE DATE OF THIS SECTION.

7 S 3. This act shall take effect immediately.