

6740

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. MORELLE, SILVER, JOHN, GOTTFRIED, FARRELL, CANES-
TRARI -- Multi-Sponsored by -- M. of A. ABBATE, ALESSI, ARROYO,
BARRON, BING, BOYLAND, BRADLEY, BROOK-KRASNY, CAHILL, CASTRO, CHRIS-
TENSEN, CLARK, COLTON, COOK, CUSICK, CYMBROWITZ, DelMONTE, DenDEKKER,
DESTITO, DINOWITZ, EDDINGTON, ESPAILLAT, FIELDS, GALEF, GIANARIS,
GLICK, GORDON, GREENE, GUNTHER, JAFFEE, KAVANAGH, KELLNER, LATIMER,
LAVINE, LIFTON, V. LOPEZ, MAGEE, MAGNARELLI, MAISEL, MARKEY, McENENY,
MENG, MILLMAN, NOLAN, O'DONNELL, PAULIN, PERALTA, PHEFFER, REILLY,
N. RIVERA, ROBINSON, ROSENTHAL, RUSSELL, SCHIMEL, SCHIMMINGER, SCHROE-
DER, SEMINERIO, SKARTADOS, SPANO, STIRPE, SWEENEY, TITONE, TITUS,
TOWNS, WEINSTEIN, WEISENBERG, ZEBROWSKI -- (at request of the Gover-
nor) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to a special enrollment
period

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

1 Section 1. Subsection (m) of section 3221 of the insurance law is
2 amended by adding a new paragraph 7 to read as follows:
3 (7)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN
4 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN
5 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT
6 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER
7 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-
8 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION SHALL BE MADE
9 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP
10 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY
11 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
12 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY
13 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE
14 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF

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

LBD12022-02-9

1 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
2 2009.

3 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS
4 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON
5 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-
6 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-
7 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD
8 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

9 (C) WITH RESPECT TO AN INDIVIDUAL WHO ELECTS CONTINUATION COVERAGE
10 PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE PERIOD BEGINNING ON
11 THE DATE OF THE QUALIFYING EVENT AND ENDING ON THE DATE OF THE FIRST
12 PERIOD OF COVERAGE ON OR AFTER THE ENACTMENT OF THE AMERICAN RECOVERY
13 AND REINVESTMENT ACT OF 2009 SHALL BE DISREGARDED FOR PURPOSES OF DETER-
14 MINING THE SIXTY-THREE DAY PERIOD REFERRED TO IN SECTION THREE THOUSAND
15 TWO HUNDRED THIRTY-TWO OF THIS ARTICLE.

16 S 2. Subsection (k) of section 4304 of the insurance law is amended by
17 adding a new paragraph 5 to read as follows:

18 (5)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN
19 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN
20 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT
21 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER
22 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-
23 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION MUST BE MADE
24 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP
25 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY
26 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
27 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY
28 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE
29 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF
30 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
31 2009.

32 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS
33 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON
34 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-
35 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-
36 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD
37 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

38 (C) WITH RESPECT TO AN INDIVIDUAL WHO ELECTS CONTINUATION COVERAGE
39 PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE PERIOD BEGINNING ON
40 THE DATE OF THE QUALIFYING EVENT AND ENDING ON THE DATE OF THE FIRST
41 PERIOD OF COVERAGE ON OR AFTER THE ENACTMENT OF THE AMERICAN RECOVERY
42 AND REINVESTMENT ACT OF 2009 SHALL BE DISREGARDED FOR PURPOSES OF DETER-
43 MINING THE SIXTY-THREE DAY PERIOD REFERRED TO IN SECTION FOUR THOUSAND
44 THREE HUNDRED EIGHTEEN OF THIS ARTICLE.

45 S 3. Subsection (e) of section 4305 of the insurance law is amended by
46 adding a new paragraph 8 to read as follows:

47 (8)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN
48 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN
49 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT
50 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER
51 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-
52 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION MUST BE MADE
53 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP
54 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY
55 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
56 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY

1 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE
2 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF
3 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
4 2009.

5 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS
6 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON
7 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-
8 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-
9 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD
10 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

11 (C) WITH RESPECT TO AN INDIVIDUAL WHO ELECTS CONTINUATION COVERAGE
12 PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE PERIOD BEGINNING ON
13 THE DATE OF THE QUALIFYING EVENT AND ENDING ON THE DATE OF THE FIRST
14 PERIOD OF COVERAGE ON OR AFTER THE ENACTMENT OF THE AMERICAN RECOVERY
15 AND REINVESTMENT ACT OF 2009 SHALL BE DISREGARDED FOR PURPOSES OF DETER-
16 MINING THE SIXTY-THREE DAY PERIOD REFERRED TO IN SECTION FOUR THOUSAND
17 THREE HUNDRED EIGHTEEN OF THIS ARTICLE.

18 S 4. This act shall take effect immediately.