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

3068

2009-2010 Regular Sessions

I N  S E N A T E

March 10, 2009

Introduced by Sen. BRESLIN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subsection (m) of section 3221 of the insurance law is amended by adding a new paragraph 7 to read as follows:

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

(B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUATION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

(C) WITH RESPECT TO AN INDIVIDUAL WHO ELECTS CONTINUATION COVERAGE PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH, THE PERIOD BEGINNING ON

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

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THE DATE OF THE QUALIFYING EVENT AND ENDING ON THE DATE OF THE FIRST PERIOD OF COVERAGE ON OR AFTER THE ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 SHALL BE DISREGARDED FOR PURPOSES OF DETERMINING THE SIXTY-THREE DAY PERIOD REFERRED TO IN SECTION THREE THOUSAND TWO HUNDRED THIRTY-TWO OF THIS ARTICLE.

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

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

(B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUATION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

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

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

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

(B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUATION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

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

S 4. This act shall take effect immediately.