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

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I N S E N A T E

June 15, 2010

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to establishing an advisory committee on public wellness

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

Section 1. Article 2 of the public health law is amended by adding a new title 6 to read as follows:

TITLE VI

ADVISORY COMMITTEE ON PUBLIC WELLNESS

SECTION 266. DEFINITIONS.
266-A. ADVISORY COMMITTEE.
266-B. POWERS AND DUTIES.
266-C. WELLNESS PROGRAM COMPONENTS.
266-D. OUTREACH.

S 266. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE:

1. "COMMITTEE" SHALL MEAN THE ADVISORY COMMITTEE ON PUBLIC WELLNESS ESTABLISHED PURSUANT TO SECTION TWO HUNDRED SIXTY-SIX-A OF THIS TITLE.

2. "EMPLOYER" SHALL MEAN ANY EMPLOYER WHICH PROVIDES ITS EMPLOYEES WITH HEALTH INSURANCE COVERAGE OR WHICH PAYS FOR ANY PORTION OF THE PREMIUMS FOR HEALTH INSURANCE FOR ITS EMPLOYEES.

3. "INSURER" SHALL MEAN:

A. ANY INSURER PROVIDING ACCIDENT AND HEALTH INSURANCE PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW,

B. ANY CORPORATION PROVIDING HEALTH INSURANCE PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, AND

C. ANY HEALTH MAINTENANCE ORGANIZATION OPERATED PURSUANT TO ARTICLE FORTY-FOUR OF THIS CHAPTER.

4. "WELLNESS" SHALL MEAN THE PROCESS OF IMPROVING AND ENRICHING AN INDIVIDUAL'S HEALTH THROUGH A COMBINATION OF REGULAR EXERCISE, HEALTHY LIFESTYLE AND POSITIVE MINDSET.

S 266-A. ADVISORY COMMITTEE. 1. THERE IS HEREBY ESTABLISHED, WITHIN THE DEPARTMENT, THE ADVISORY COMMITTEE ON PUBLIC WELLNESS. SUCH COMMITTEE SHALL BE COMPOSED OF THE COMMISSIONER, OR HIS OR HER DESIGNEE, THE

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

LBD16132-01-0

COMMISSIONER OF MENTAL HEALTH, OR HIS OR HER DESIGNEE, AND THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, OR HIS OR HER DESIGNEE.

2. THE COMMITTEE SHALL CONVENE AS FREQUENTLY AS SHALL BE NECESSARY TO ESTABLISH AND APPROVE WELLNESS PROGRAMS TO BE IMPLEMENTED BY INSURERS AND EMPLOYERS FOR THE BENEFIT OF THEIR INSURERS OR EMPLOYEES, AS THE CASE MAY BE.

S 266-B. POWERS AND DUTIES. THE COMMITTEE SHALL:

1. ESTABLISH AND UPDATE IN A TIMELY MANNER MINIMUM REQUIREMENTS FOR QUALIFIED WELLNESS PROGRAMS CONDUCTED BY EMPLOYERS AND INSURERS. EACH SUCH PROGRAM SHALL:

A. BE CONSISTENT WITH EVIDENCE-BASED RESEARCH AND BEST PRACTICES, AS IDENTIFIED BY INDIVIDUALS WITH EXPERTISE IN HEALTH PROMOTION AND WELLNESS PROGRAMS,

B. INCLUDE MULTIPLE, EVIDENCE-BASED STRATEGIES WHICH ARE BASED ON THE EXISTING AND EMERGING RESEARCH AND CAREFUL SCIENTIFIC REVIEWS, INCLUDING THE GUIDE TO COMMUNITY PREVENTATIVE SERVICES, THE GUIDE TO CLINICAL PREVENTATIVE SERVICES, AND THE NATIONAL REGISTRY OF EFFECTIVE PROGRAMS, AND

C. INCLUDE STRATEGIES WHICH FOCUS ON PREVENTION AND SUPPORT FOR EMPLOYEES AND INSUREDS AT RISK OF POOR HEALTH OUTCOMES; AND

2. DURING THE CONSIDERATION OF ANY WELLNESS PROGRAM PRESENTED BY AN INSURER OR EMPLOYER:

A. ENSURE THAT THE INSURER OR EMPLOYER HAS MADE THE PROGRAM CULTURALLY COMPETENT, PHYSICALLY AND PROGRAMMATICALLY ACCESSIBLE (INCLUDING FOR INDIVIDUALS WITH DISABILITIES) AND APPROPRIATE TO THE HEALTH LITERACY NEEDS OF THE INSUREDS OR EMPLOYEES COVERED BY SUCH PROGRAM,

B. REQUIRE A HEALTH LITERACY COMPONENT TO PROVIDE SPECIAL ASSISTANCE AND MATERIALS TO INSUREDS AND EMPLOYEES WITH LOW LITERACY SKILLS, LIMITED ENGLISH AND FROM UNDERSERVED POPULATIONS, AND

C. COMPILE AND DISSEMINATE, TO THE INSURER OR EMPLOYER, INFORMATION ON MODEL HEALTH LITERACY CURRICULA, INSTRUCTIONAL PROGRAMS AND EFFECTIVE INTERVENTION STRATEGIES.

S 266-C. WELLNESS PROGRAM COMPONENTS. EVERY QUALIFIED WELLNESS PROGRAM SHALL INCLUDE THE FOLLOWING COMPONENTS:

1. A HEALTH AWARENESS COMPONENT WHICH PROVIDES:

A. HEALTH EDUCATION WHICH SHALL INCLUDE THE DISSEMINATION OF HEALTH INFORMATION WHICH ADDRESSES THE SPECIFIC NEEDS AND HEALTH RISKS OF INSUREDS OR EMPLOYEES, AND

B. HEALTH SCREENINGS WHICH SHALL INCLUDE THE OPPORTUNITY FOR PERIODIC SCREENINGS FOR HEALTH PROBLEMS AND REFERRALS FOR APPROPRIATE FOLLOW-UP MEASURES;

2. AN EMPLOYEE OR INSURED ENGAGEMENT COMPONENT WHICH PROVIDES FOR THE ACTIVE ENGAGEMENT OF EMPLOYEES OR INSUREDS IN WELLNESS PROGRAMS THROUGH ASSESSMENTS AND PROGRAM PLANNING, ONSITE DELIVERY, EVALUATION AND IMPROVEMENT EFFORTS;

3. A BEHAVIORAL CHANGE COMPONENT WHICH ENCOURAGES HEALTHY LIVING THROUGH COUNSELING, SEMINARS, ON-LINE PROGRAMS, SELF-HELP MATERIALS AND OTHER PROGRAMS WHICH PROVIDE TECHNICAL ASSISTANCE AND PROBLEM SOLVING SKILLS. SUCH COMPONENT MAY INCLUDE PROGRAMS RELATING TO:

A. TOBACCO USE,

B. OBESITY,

C. STRESS MANAGEMENT,

D. PHYSICAL FITNESS,

E. NUTRITION,

F. SUBSTANCE ABUSE,

G. DEPRESSION, AND
H. MENTAL HEALTH PROMOTION; AND
4. A SUPPORTIVE ENVIRONMENT COMPONENT WHICH SHALL INCLUDE POLICIES AND SERVICES THAT PROMOTE HEALTHY LIFESTYLE INCLUDING:
A. TOBACCO USE AT WORKSITES,
B. THE NUTRITION OF FOODS AVAILABLE AT WORKSITES THROUGH CAFETERIAS AND VENDING OPTIONS,
C. MINIMIZING STRESS AND PROMOTING POSITIVE MENTAL HEALTH, AND
D. THE ENCOURAGEMENT OF PHYSICAL ACTIVITY BEFORE, DURING AND AFTER WORK HOURS.

S 266-D. OUTREACH. THE COMMITTEE, IN CONJUNCTION WITH OTHER PUBLIC AND PRIVATE ENTITIES, SHALL ESTABLISH AN OUTREACH PROGRAM TO INFORM EMPLOYERS AND INSURERS ABOUT THE ESTABLISHMENT OF QUALIFIED WELLNESS PROGRAMS PURSUANT TO THIS TITLE.

S 2. This act shall take effect immediately.