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

4303

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. CANESTRARI, GOTTFRIED, GREENE, REILLY, CUSICK, HIKIND -- Multi-Sponsored by -- M. of A. BENEDETTO, COLTON, DelMONTE, FARRELL, JAFFEE, JOHN, KOON, LANCMAN, MAISEL, MARKEY, McENENY, MILLMAN, SWEENEY, WEINSTEIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the insurance law, in relation to requiring that full-time students enrolled in institutions of higher education maintain health insurance coverage

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

Section 1. The education law is amended by adding a new section 239-a to read as follows:

S 239-A. MAINTENANCE OF HEALTH INSURANCE. 1. EVERY FULL-TIME STUDENT AT A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE MUST PROVIDE EVIDENCE OF HEALTH INSURANCE IN ORDER TO ENROLL AND BEGIN CLASSES. FOR THE PURPOSES OF THIS SECTION, "FULL-TIME" SHALL MEAN STUDENTS ENROLLED FOR TWELVE OR MORE CREDIT HOURS PER SEMESTER, OR THE PROPORTIONAL EQUIVALENT FOR TRIMESTERS, SUMMER SESSIONS OR OTHER NON-SEMESTER SCHEDULES.

2. EACH PUBLIC AND PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE SHALL MAKE ARRANGEMENTS WITH ONE OR MORE INSURERS OR HEALTH MAINTENANCE ORGANIZATIONS TO MAKE AVAILABLE HEALTH INSURANCE COVERAGE TO THEIR FULL-TIME STUDENTS, INCLUDING BUT NOT LIMITED TO GROUP POLICIES, A STUDENT POLICY ISSUED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, OR A BLANKET STUDENT ACCIDENT, BLANKET STUDENT HEALTH, OR BLANKET STUDENT ACCIDENT AND HEALTH INSURANCE POLICY. THE INSURANCE COVERAGE SHALL BEGIN ON A DATE IN AUGUST OF EACH YEAR AS SELECTED BY THE INSTITUTION AND SHALL BE EFFECTIVE FOR A CONTINUOUS TWELVE MONTH PERIOD INCLUDING WHEN CLASSES ARE NOT IN SESSION, EXCEPT THAT STUDENTS ENROLLING FOR A SEMESTER WHICH BEGINS IN JANUARY OR ANOTHER MID-YEAR DATE MAY HAVE COVERAGE BEGIN WHEN THAT SEMESTER BEGINS AND SUCH COVERAGE SHALL BE FOR

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

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THE PERIOD REMAINING BEFORE THE AUGUST POLICY RENEWAL DATE. NO INSTITUTION OF HIGHER EDUCATION SHALL BE LIABLE OR OTHERWISE RESPONSIBLE IN THE EVENT THE COVERAGE IS NOT IN EFFECT, AND THE INSTITUTION SHALL HAVE NO RESPONSIBILITY FOR ASSURING COMPLIANCE, COVERAGE OR PAYMENTS FOR MEDICAL CARE, OTHER THAN TO COLLECT AND MAINTAIN THE DOCUMENTATION OF COVERAGE REQUIRED BY THIS SUBDIVISION IN ORDER TO ENROLL AND BEGIN CLASSES.

3. THE COVERED BENEFITS NECESSARY TO SATISFY THE REQUIREMENTS OF THIS SECTION SHALL BE ANY POLICY ISSUED BY A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR ANY POLICY PROVIDING AT LEAST BASIC HOSPITAL, BASIC MEDICAL, AND MAJOR MEDICAL INSURANCE AS ISSUED BY AN INSURER PURSUANT TO ARTICLE FORTY-TWO OR FORTY-THREE OF THE INSURANCE LAW, WHICH SHALL INCLUDE THE MENTAL HEALTH BENEFITS REQUIRED BY CHAPTER SEVEN HUNDRED FORTY-EIGHT OF THE LAWS OF TWO THOUSAND SIX. THE COVERED BENEFITS MUST INCLUDE PRESCRIPTION DRUGS.

4. ANY PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL ALLOW STUDENTS TO SATISFY THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION BY DOCUMENTING THAT THEY ARE COVERED UNDER ANOTHER COMPARABLE HEALTH INSURANCE POLICY, SUCH AS WHEN THEY ARE A COVERED DEPENDENT ON A PARENT'S OR SPOUSE'S COVERAGE. DOCUMENTATION SHALL BE SUFFICIENT IF THE SUBSCRIBER OR PERSON TO WHOM THE CONTRACT OR CERTIFICATE OF COVERAGE IS ISSUED SIGNS A CERTIFICATION FORM PROVIDED BY THE PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION WHICH STATES THAT THE ALTERNATIVE COVERAGE IS IN EFFECT, IS COMPARABLE, AND PROVIDES THE INSTITUTION OF HIGHER EDUCATION WITH A COPY OF THE IDENTIFICATION CARD OR SIMILAR DOCUMENTATION THAT THE STUDENT IS COVERED UNDER THAT POLICY OR BENEFIT PLAN. NOTWITHSTANDING ANY PROVISION IN SUBDIVISION TWO OF THIS SECTION, COVERAGE AS A DEPENDENT MAY TERMINATE FOLLOWING GRADUATION, PURSUANT TO THE TERMS OF THE POLICY FORM OR CERTIFICATE ISSUED TO THE PARENT OR SPOUSE. A HEALTH SAVINGS ACCOUNT, A SELF-INSURED ARRANGEMENT PROVIDING BENEFITS SIMILAR TO THE INSURANCE BENEFITS DESCRIBED IN THIS SUBDIVISION, OR COVERAGE PURSUANT TO MEDICARE, MEDICAID, FAMILY HEALTH PLUS OR ANY OTHER SIMILAR GOVERNMENT PROGRAM, SHALL BE DEEMED SATISFACTORY.

5. THE SUPERINTENDENT OF INSURANCE SHALL PROVIDE THE COMMISSIONER WITH INFORMATION REGARDING THE NAMES AND CONTACT INFORMATION OF INSURERS AND HEALTH MAINTENANCE ORGANIZATIONS KNOWN TO BE OFFERING SUCH COVERAGE IN THIS STATE, AND WITH INFORMATION REGARDING TYPES OF COVERAGE WHICH SATISFY THE REQUIREMENTS OF THIS SECTION. THE SUPERINTENDENT SHALL ALSO PROVIDE A MODEL SIMPLE WAIVER FORM FOR USE IN DOCUMENTING COMPARABLE COVERAGE FROM ANOTHER SOURCE. THE COMMISSIONER, AFTER CONSULTATION WITH THE SUPERINTENDENT, IS AUTHORIZED TO PROMULGATE REGULATIONS TO IMPLEMENT THIS SECTION IF THE COMMISSIONER DETERMINES THAT REGULATIONS ARE NECESSARY OR WILL CONVENIENTLY FACILITATE THE IMPLEMENTATION OF THIS SECTION.

S 2. Paragraph 1 of subsection (c) of section 4235 of the insurance law is amended by adding a new subparagraph (O) to read as follows:

(O) A POLICY ISSUED TO ONE OR MORE COLLEGES OR UNIVERSITIES FOR THE PURPOSE OF PROVIDING THE COVERAGE REQUIRED BY SECTION TWO HUNDRED THIRTY-NINE-A OF THE EDUCATION LAW. PREMIUMS FOR SUCH COLLEGES AND UNIVERSITIES PURSUANT TO THAT POLICY MAY BE DETERMINED COLLECTIVELY BASED ON THE CLAIMS EXPERIENCE OF ALL SUCH COLLEGES OR UNIVERSITIES.

S 3. This act shall take effect one year after it shall have become a law and shall apply to semesters, trimesters, summer sessions or other academic units which begin after such date.