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

7262

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. JOHN, GOTTFRIED -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the insurance law, in relation to employer health care coverage disclosure

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

Section 1. The labor law is amended by adding a new section 201-g to read as follows:

S 201-G. EMPLOYER HEALTH CARE COVERAGE DISCLOSURE. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

(A) "EMPLOYER" INCLUDES THE EMPLOYER AND ANY OF ITS SUBSIDIARIES AT ALL LOCATIONS IN THE STATE.

(B) "PROPOSED BENEFICIARY" MEANS ANY INDIVIDUAL WHO FILES AN APPLICATION FOR BENEFITS FOR HIMSELF OR HERSELF, OR ANY INDIVIDUAL ON WHOSE BEHALF AN APPLICATION IS FILED, INCLUDING, BUT NOT LIMITED TO, CHILDREN OR OTHER DEPENDENTS OF THE APPLICANT OR ANY OTHER INDIVIDUAL FOR WHOM THE APPLICATION IS FILED.

(C) "STATE-FUNDED PUBLIC HEALTH PROGRAM" MEANS THE FAMILY HEALTH PLUS PROGRAM OR CHILD HEALTH PLUS PROGRAM.

2. (A) ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TEN, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL COLLABORATE WITH ALL OTHER NECESSARY AGENCIES AND PARTIES TO TRANSMIT TO THE LEGISLATURE A REPORT IDENTIFYING ALL EMPLOYERS WHO EMPLOY TWO HUNDRED OR MORE PERSONS WHO ARE BENEFICIARIES OR WHO SUPPORT BENEFICIARIES IN A STATE-FUNDED PUBLIC HEALTH PROGRAM.

(B) THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

(I) THE EMPLOYER'S NAME;

(II) THE EMPLOYER'S ADDRESS;

(III) THE TOTAL NUMBER OF EACH EMPLOYER'S EMPLOYEES AND ANY DEPENDENTS OF AN EMPLOYEE WHO ARE ENROLLED IN EACH STATE-FUNDED HEALTH CARE PROGRAM; AND

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

LBD10731-01-9

(IV) THE TOTAL COST TO THE STATE OF PROVIDING PUBLIC HEALTH CARE BENEFITS FOR EACH IDENTIFIED EMPLOYER'S EMPLOYEES AND THEIR DEPENDENTS.

(C) THE REPORT SHALL NOT INCLUDE THE NAMES OF ANY INDIVIDUAL BENEFICIARY UNDER A STATE-FUNDED PUBLIC HEALTH PROGRAM AND SHALL BE SUBJECT TO CONFIDENTIALITY STANDARDS ESTABLISHED UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA; P.L. 104-191).

(D) THE DEPARTMENT SHALL MAKE THE REPORT PREPARED PURSUANT TO THIS SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEB SITE.

(E) THE DEPARTMENT SHALL PROVIDE, UPON REQUEST, A COPY OF THE REPORT TO ANY MEMBER OF THE PUBLIC, AND MAY CHARGE A REASONABLE FEE TO COVER THE COST OF PROVIDING A COPY OF THE REPORT.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE USE OF THE SPECIFIC MEDICAL COSTS OF THE BENEFICIARIES OF THE STATE-FUNDED PUBLIC HEALTH PROGRAM FOR EACH IDENTIFIED EMPLOYER.

S 2. The insurance law is amended by adding a new section 215 to read as follows:

S 215. EMPLOYER HEALTH CARE COVERAGE DISCLOSURE. (A) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

(1) "EMPLOYER" INCLUDES THE EMPLOYER AND ANY OF ITS SUBSIDIARIES AT ALL LOCATIONS IN THE STATE.

(2) "PROPOSED BENEFICIARY" MEANS ANY INDIVIDUAL WHO FILES AN APPLICATION FOR BENEFITS UNDER THE HEALTHY NEW YORK PROGRAM ESTABLISHED PURSUANT TO SECTIONS FOUR THOUSAND THREE HUNDRED TWENTY-SIX AND FOUR THOUSAND THREE HUNDRED TWENTY-SEVEN OF THIS CHAPTER FOR HIMSELF OR HERSELF, OR ANY INDIVIDUAL ON WHOSE BEHALF AN APPLICATION IS FILED, INCLUDING, BUT NOT LIMITED TO, CHILDREN OR OTHER DEPENDENTS OF THE APPLICANT OR ANY OTHER INDIVIDUAL FOR WHOM THE APPLICATION IS FILED.

(B) ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TEN, THE DEPARTMENT SHALL COLLABORATE WITH ALL OTHER NECESSARY AGENCIES AND PARTIES TO TRANSMIT TO THE LEGISLATURE A REPORT IDENTIFYING ALL EMPLOYERS WHO EMPLOY TWO HUNDRED OR MORE PERSONS WHO ARE BENEFICIARIES, OR WHO SUPPORT BENEFICIARIES, UNDER THE HEALTHY NEW YORK PROGRAM.

(1) THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

(I) THE EMPLOYER'S NAME;

(II) THE EMPLOYER'S ADDRESS;

(III) THE TOTAL NUMBER OF EACH EMPLOYER'S EMPLOYEES AND ANY DEPENDENTS OF AN EMPLOYEE WHO ARE ENROLLED IN THE HEALTHY NEW YORK PROGRAM; AND

(IV) THE TOTAL COST TO THE STATE OF PROVIDING BENEFITS UNDER THE HEALTHY NEW YORK PROGRAM FOR EACH IDENTIFIED EMPLOYER'S EMPLOYEES AND THEIR DEPENDENTS.

(2) THE REPORT SHALL NOT INCLUDE THE NAMES OF ANY INDIVIDUAL BENEFICIARY UNDER THE HEALTHY NEW YORK PROGRAM AND SHALL BE SUBJECT TO CONFIDENTIALITY STANDARDS ESTABLISHED UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA; P.L. 104-191).

(3) THE DEPARTMENT SHALL MAKE THE REPORT PREPARED PURSUANT TO THIS SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEB SITE.

(4) THE DEPARTMENT SHALL PROVIDE, UPON REQUEST, A COPY OF THE REPORT TO ANY MEMBER OF THE PUBLIC, AND MAY CHARGE A REASONABLE FEE TO COVER THE COST OF PROVIDING A COPY OF THE REPORT.

(C) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE USE OF THE SPECIFIC MEDICAL COSTS OF THE BENEFICIARIES OF THE HEALTHY NEW YORK PROGRAM FOR EACH IDENTIFIED EMPLOYER.

S 3. This act shall take effect immediately.