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

9130--A

2009-2010 Regular Sessions

I N A S S E M B L Y

September 4, 2009

Introduced by M. of A. LATIMER -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring insurance companies to disclose claims information to municipalities

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

Section 1. The insurance law is amended by adding a new section 3217-e to read as follows:

S 3217-E. DISCLOSURE OF INFORMATION TO MUNICIPALITIES. (A) EVERY INSURER CONTRACTING WITH MUNICIPALITIES, INCLUDING MUNICIPAL COOPERATIVE HEALTH BENEFIT PLANS CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, SHALL PROVIDE UPON REQUEST THE FOLLOWING INFORMATION TO THE INSURED MUNICIPALITY:

(1) SPECIFIC CLAIMS EXPERIENCE COVERED BY THE INSURER UNDER A COMMUNITY RATED OR EXPERIENCED RATED POLICY. FOR PURPOSES OF THIS SECTION "EXPERIENCE RATINGS" SHALL MEAN AND INCLUDE ALL QUANTITATIVE MEASURES USED BY THE INSURANCE CARRIER SUCH AS EXPENSES PER MEMBER AND ANY HISTORICAL DATA;

(2) AVERAGE ANNUAL PER MEMBER COST OF CLAIMS REIMBURSEMENT;

(3) NUMBER OF MEMBERS WHO DID NOT FILE A CLAIM WITHIN A TWELVE MONTH PERIOD;

(4) A COMPARISON OF EMERGENCY SERVICES USED BY MEMBERS TO OUT-PATIENT SERVICES; AND

(5) ANY OTHER INFORMATION THE MUNICIPALITY REQUESTS TO DETERMINE USE OF BENEFITS BY MEMBERS.

(B) THE SUPERINTENDENT SHALL IMPOSE A FINE OF THREE HUNDRED THOUSAND DOLLARS FOR FAILURE TO PROVIDE WITHIN THIRTY DAYS OF A WRITTEN REQUEST BY THE INSURED MUNICIPALITY THE INFORMATION REQUIRED BY PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION RELATING TO HOW FUNDING WAS SPENT BY THE INSURANCE CARRIER REGARDING THE INSURED EMPLOYEES. A FINE OF TEN THOU-

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

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SAND DOLLARS PER DAY SHALL BE IMPOSED FOR EACH DAY SUCH FAILURE CONTINUES. ANY FINES IMPOSED SHALL BE PAID TO THE INSURED MUNICIPALITY REQUESTING SUCH INFORMATION.

(C) NOTWITHSTANDING THE FOREGOING PROVISIONS, IN RELEASING ANY SUCH INFORMATION THE INSURER SHALL COMPLY WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) OF 1996, AS AMENDED.

S 2. This act shall take effect immediately.