

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (m) of section 3221 of the insurance law is  
2 amended by adding a new paragraph 7 to read as follows:  
3 (7)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN  
4 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN  
5 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT  
6 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER  
7 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-  
8 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION SHALL BE MADE  
9 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP  
10 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY  
11 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
12 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY  
13 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE  
14 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF  
15 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
16 2009.  
17 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS  
18 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON  
19 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-  
20 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-  
21 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD  
22 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.  
23 (C) WITH RESPECT TO AN INDIVIDUAL WHO ELECTS CONTINUATION COVERAGE  
24 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.

LBD12022-02-9

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

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

8 (5)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN  
9 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN  
10 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT  
11 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER  
12 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-  
13 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION MUST BE MADE  
14 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP  
15 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY  
16 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
17 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY  
18 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE  
19 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF  
20 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
21 2009.

22 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS  
23 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON  
24 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-  
25 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-  
26 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD  
27 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

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

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

37 (8)(A) SPECIAL ENROLLMENT PERIOD. AN INDIVIDUAL WHO DOES NOT HAVE AN  
38 ELECTION OF CONTINUATION COVERAGE AS DESCRIBED IN THIS SUBSECTION IN  
39 EFFECT ON THE EFFECTIVE DATE OF THE AMERICAN RECOVERY AND REINVESTMENT  
40 ACT OF 2009, BUT WHO WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL UNDER  
41 TITLE III OF SUCH ACT IF SUCH ELECTION WERE IN EFFECT, MAY ELECT CONTIN-  
42 UATION COVERAGE PURSUANT TO THIS SUBSECTION. SUCH ELECTION MUST BE MADE  
43 NO LATER THAN SIXTY DAYS AFTER THE DATE THE ADMINISTRATOR OF THE GROUP  
44 HEALTH PLAN (OR OTHER ENTITY INVOLVED) PROVIDES THE NOTICE REQUIRED BY  
45 SECTION 3001(A)(7) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
46 2009. THE ADMINISTRATOR OF THE GROUP HEALTH PLAN (OR OTHER ENTITY  
47 INVOLVED) SHALL PROVIDE SUCH INDIVIDUALS WITH ADDITIONAL NOTICE OF THE  
48 RIGHT TO ELECT COVERAGE PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS OF  
49 THE DATE OF ENACTMENT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
50 2009.

51 (B) CONTINUATION COVERAGE ELECTED PURSUANT TO SUBPARAGRAPH (A) OF THIS  
52 PARAGRAPH SHALL COMMENCE WITH THE FIRST PERIOD OF COVERAGE BEGINNING ON  
53 OR AFTER THE DATE OF THE ENACTMENT OF THE AMERICAN RECOVERY AND REIN-  
54 VESTMENT ACT OF 2009 AND SHALL NOT EXTEND BEYOND THE PERIOD OF CONTINUA-  
55 TION COVERAGE THAT WOULD HAVE BEEN REQUIRED IF THE COVERAGE HAD INSTEAD  
56 BEEN ELECTED PURSUANT TO PARAGRAPH TWO OF THIS SUBSECTION.

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

8 S 4. This act shall take effect immediately.