

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sens. BRESLIN, HASSELL-THOMPSON, ONORATO, SAMPSON, SMITH
-- read twice and ordered printed, and when printed to be committed to
the Committee on Insurance

AN ACT to amend the insurance law and the legislative law, in relation
to proposed health insurance mandates

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

1 Section 1. Legislative intent. The legislature finds that New York
2 state is in the midst of a health insurance crisis. Approximately 3.1
3 million New Yorkers are currently uninsured. The crisis is the result of
4 many factors, including the high cost of health care. The legislature
5 hereby finds that it is in the best public interest to ensure that an
6 appropriate balance is struck between the mandated benefits that state
7 law requires insurers to provide to their insureds and allowing insurers
8 flexibility to structure their policies in a cost efficient manner to
9 maximize resources available for the delivery of quality health care.
10 The legislature further finds that several bills are currently pending
11 in the New York state legislature which would mandate additional insur-
12 ance coverages for specific medical procedures. The piecemeal, uncoordi-
13 nated effort is likely to increase the cost of health insurance policies
14 ultimately resulting in an increase in the numbers of uninsured in our
15 state. Therefore, the legislature finds that there is a need for a
16 comprehensive, coordinated review of all pending mandated benefit legis-
17 lation before they become law and a need to create an advisory board on
18 health insurance mandates.
19 S 2. The insurance law is amended by adding a new section 215 to read
20 as follows:
21 S 215. ADVISORY COUNCIL ON HEALTH INSURANCE MANDATES. 1. THERE IS
22 HEREBY ESTABLISHED WITHIN THE DEPARTMENT AN ADVISORY COUNCIL ON HEALTH
23 INSURANCE MANDATES. IT SHALL BE THE RESPONSIBILITY OF THE COUNCIL TO

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

1 EVALUATE THE IMPACT OF PROPOSED MANDATES ON THE QUALITY OF HEALTH CARE
2 AND THE IMPACT ON THE COST OF HEALTH CARE WITHIN THE STATE. THE COUNCIL
3 SHALL ASSESS THE ANTICIPATED HEALTH BENEFITS AND ESTIMATED COST RESULT-
4 ING FROM PENDING LEGISLATIVE EFFORTS TO IMPOSE ADDITIONAL MANDATES. THE
5 COUNCIL SHALL ALSO DEVELOP AND RECOMMEND GUIDELINES FOR DETERMINING
6 WHETHER ADDITIONAL HEALTH INSURANCE MANDATES SHOULD BE ADOPTED.

7 THE ADVISORY COUNCIL IS AUTHORIZED TO CALL UPON ANY DEPARTMENT, OFFICE
8 OR AGENCY OF STATE GOVERNMENT TO PROVIDE SUCH INFORMATION, RESOURCES OR
9 OTHER ASSISTANCE DEEMED NECESSARY TO DISCHARGE THE COUNCIL'S RESPONSI-
10 BILITIES AS DIRECTED. EACH SUCH DEPARTMENT, OFFICE OR AGENCY IS DIRECTED
11 TO COOPERATE WITH THE COUNCIL TO FURNISH IT WITH SUCH INFORMATION AS
12 REQUESTED, TO THE EXTENT SUCH REQUESTS ARE NOT INCONSISTENT WITH LAW AND
13 WITHIN BUDGETARY CONSTRAINTS.

14 2. THE COUNCIL SHALL CONSIST OF TWELVE MEMBERS AS FOLLOWS: THE COMMIS-
15 SIONER OF HEALTH AND THE SUPERINTENDENT OF INSURANCE, OR THEIR DESIG-
16 NEES; FOUR MEMBERS TO BE APPOINTED BY THE GOVERNOR: ONE MEMBER REPRESENT-
17 ENTING HEALTH MAINTENANCE ORGANIZATIONS, ONE MEMBER REPRESENTING
18 HOSPITALS, ONE MEMBER REPRESENTING PHYSICIANS AND ONE MEMBER REPRESENT-
19 ING THE BUSINESS COMMUNITY; ONE MEMBER TO BE APPOINTED BY THE TEMPORARY
20 PRESIDENT OF THE SENATE AND ONE MEMBER TO BE APPOINTED BY THE MINORITY
21 LEADER OF THE SENATE; ONE MEMBER TO BE APPOINTED BY THE SPEAKER OF THE
22 ASSEMBLY AND ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE
23 ASSEMBLY; AND TWO MEMBERS TO BE APPOINTED BY THE STATE COMPTROLLER, ONE
24 OF WHOM SHALL BE AN INDEPENDENT ACTUARY. THE INDEPENDENT ACTUARY MEMBER
25 APPOINTED BY THE COMPTROLLER SHALL BE RESPONSIBLE FOR EVALUATION OF THE
26 RESULTS REACHED BY THE COUNCIL AND SHALL REPORT BACK TO THE COMPTROLLER
27 WITH SUCH RESULTS. THE COMPTROLLER SHALL REPORT SUCH FINDINGS TO THE
28 DEPARTMENT AND THE APPROPRIATE LEGISLATIVE COMMITTEES IN THE SENATE AND
29 ASSEMBLY. VACANCIES OCCURRING ON THE COUNCIL FOR ANY CAUSE SHALL BE
30 FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT OF THE MEMBER
31 WHOSE OFFICE BECAME VACANT.

32 S 3. The legislative law is amended by adding a new section 68 to read
33 as follows:

34 S 68. BILLS MANDATING HEALTH INSURANCE BENEFITS. A BILL WHICH ENACTS
35 OR AMENDS ANY PROVISION OF LAW MANDATING HEALTH INSURANCE COVERAGE AND
36 HAVING THE EFFECT OF INCREASING INSURANCE RATES SHALL, PRIOR TO CONSID-
37 ERATION BY A STANDING COMMITTEE, BE REVIEWED BY THE ADVISORY COUNCIL ON
38 HEALTH INSURANCE MANDATES CREATED PURSUANT TO SECTION TWO HUNDRED
39 FIFTEEN OF THE INSURANCE LAW.

40 S 4. This act shall take effect on the first of January next succeed-
41 ing the date on which it shall have become a law; provided that any
42 rules, regulations or other actions necessary for the timely implementa-
43 tion of this act on its effective date are authorized and directed to be
44 completed on or before such date.