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

327

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature finds that New York state is in the midst of a health insurance crisis. Approximately 3.1 million New Yorkers are currently uninsured. The crisis is the result of many factors, including the high cost of health care. The legislature hereby finds that it is in the best public interest to ensure that an appropriate balance is struck between the mandated benefits that state law requires insurers to provide to their insureds and allowing insurers flexibility to structure their policies in a cost efficient manner to maximize resources available for the delivery of quality health care.

The legislature further finds that several bills are currently pending in the New York state legislature which would mandate additional insurance coverages for specific medical procedures. The piecemeal, uncoordinated effort is likely to increase the cost of health insurance policies ultimately resulting in an increase in the numbers of uninsured in our state. Therefore, the legislature finds that there is a need for a comprehensive, coordinated review of all pending mandated benefit legislation before they become law and a need to create an advisory board on health insurance mandates.

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

S 215. ADVISORY COUNCIL ON HEALTH INSURANCE MANDATES. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT AN ADVISORY COUNCIL ON HEALTH 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.

LBD03570-01-9

EVALUATE THE IMPACT OF PROPOSED MANDATES ON THE QUALITY OF HEALTH CARE AND THE IMPACT ON THE COST OF HEALTH CARE WITHIN THE STATE. THE COUNCIL SHALL ASSESS THE ANTICIPATED HEALTH BENEFITS AND ESTIMATED COST RESULTING FROM PENDING LEGISLATIVE EFFORTS TO IMPOSE ADDITIONAL MANDATES. THE COUNCIL SHALL ALSO DEVELOP AND RECOMMEND GUIDELINES FOR DETERMINING WHETHER ADDITIONAL HEALTH INSURANCE MANDATES SHOULD BE ADOPTED.

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

2. THE COUNCIL SHALL CONSIST OF TWELVE MEMBERS AS FOLLOWS: THE COMMISSIONER OF HEALTH AND THE SUPERINTENDENT OF INSURANCE, OR THEIR DESIGNEES; FOUR MEMBERS TO BE APPOINTED BY THE GOVERNOR: ONE MEMBER REPRESENTING HEALTH MAINTENANCE ORGANIZATIONS, ONE MEMBER REPRESENTING HOSPITALS, ONE MEMBER REPRESENTING PHYSICIANS AND ONE MEMBER REPRESENTING THE BUSINESS COMMUNITY; ONE MEMBER TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; ONE MEMBER TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; AND TWO MEMBERS TO BE APPOINTED BY THE STATE COMPTROLLER, ONE OF WHOM SHALL BE AN INDEPENDENT ACTUARY. THE INDEPENDENT ACTUARY MEMBER APPOINTED BY THE COMPTROLLER SHALL BE RESPONSIBLE FOR EVALUATION OF THE RESULTS REACHED BY THE COUNCIL AND SHALL REPORT BACK TO THE COMPTROLLER WITH SUCH RESULTS. THE COMPTROLLER SHALL REPORT SUCH FINDINGS TO THE DEPARTMENT AND THE APPROPRIATE LEGISLATIVE COMMITTEES IN THE SENATE AND ASSEMBLY. VACANCIES OCCURRING ON THE COUNCIL FOR ANY CAUSE SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT OF THE MEMBER WHOSE OFFICE BECAME VACANT.

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

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

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that any rules, regulations or other actions necessary for the timely implementation of this act on its effective date are authorized and directed to be completed on or before such date.