

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

10016--A

I N A S S E M B L Y

May 1, 2012

Introduced by M. of A. N. RIVERA, CASTRO, LINARES, CRESPO, CAMARA, JEFFRIES, BARRON, P. RIVERA, J. RIVERA, RODRIGUEZ -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BOYLAND, BROOK-KRASNY, CLARK, COLTON, COOK, DenDEKKER, ESPINAL, GIBSON, GUNTHER, HEASTIE, HOOPER, KAVANAGH, LANCMAN, V. LOPEZ, MENG, ORTIZ, PEOPLES-STOKES, PERRY, PRETLOW, RAMOS, ROBERTS, ROBINSON, SCARBOROUGH, SIMOTAS, STEVENSON, TITUS, WRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the inclusion of weight control in the health care and wellness education and outreach program; and to amend the insurance law, in relation to wellness programs

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

1 Section 1. The opening paragraph of subdivision 1, and subdivisions
2 3, 4 and 6 of section 207 of the public health law, as amended by
3 section 16 of part A of chapter 109 of the laws of 2010, are amended to
4 read as follows:
5 There is hereby created within the department the health care and
6 wellness education and outreach program. The department may conduct
7 education and outreach programs for consumers, patients, ELEMENTARY AND
8 SECONDARY SCHOOL EDUCATORS, and health care providers relating to any
9 health care matters the commissioner deems appropriate and:
10 3. The department may produce, make available to others for reprod-
11 uction, or contract with others to develop such materials mentioned in
12 this section as the commissioner deems appropriate. These materials
13 shall be made available to the public AND TO ELEMENTARY AND SECONDARY
14 SCHOOL EDUCATORS free of charge as appropriate or for a fee under
15 certain circumstances. The commissioner may require where appropriate
16 any health care provider to make these materials available to patients.
17 4. In exercising any of his or her powers under this section, the
18 commissioner may consult with appropriate health care professionals,

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

LBD13426-17-2

1 providers, consumers, EDUCATORS and patients or organizations represent-
2 ing them.

3 6. The commissioner may appoint as appropriate advisory councils
4 relating to various matters that are or are proposed to be the subjects
5 of programs under this section. All such councils shall include repre-
6 sentation of health care professionals, providers, EDUCATORS, consumers,
7 patients and other appropriate interests. The members of the councils
8 shall receive no compensation for their services, but shall be allowed
9 their actual and necessary expenses incurred in performance of their
10 duties.

11 S 2. Subdivision 1 of section 207 of the public health law is amended
12 by adding a new paragraph (i) to read as follows:

13 (I) ABOUT THE SHORT TERM AND LONG TERM ADVERSE HEALTH RISKS TO ADULTS
14 AND CHILDREN WHO BECOME OVERWEIGHT, OBESE OR UNDERWEIGHT. THE INFORMA-
15 TION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO PROVIDING CITATIONS TO
16 THE DEPARTMENT'S WEBSITE, AS WELL AS ANY OTHER WEBSITES PROVIDING INFOR-
17 MATION ON THE SUBJECT.

18 S 3. Paragraphs 6 and 7 of subsection (b) of section 3239 of the
19 insurance law, as added by chapter 592 of the laws of 2008, are amended
20 and a new paragraph 8 is added to read as follows:

21 (6) a nutrition education program; [and]

22 (7) health or fitness incentive programs[.]; AND

23 (8) A COORDINATED WEIGHT MANAGEMENT, NUTRITION, STRESS MANAGEMENT AND
24 PHYSICAL FITNESS PROGRAM TO COMBAT THE HIGH INCIDENCE OF ADULT AND
25 CHILDHOOD OBESITY, ASTHMA AND OTHER CHRONIC RESPIRATORY CONDITIONS.

26 S 4. Subparagraphs (C) and (D) of paragraph 2 of subsection (c) of
27 section 3239 of the insurance law, as added by chapter 592 of the laws
28 of 2008, are amended and two new subparagraphs (E) and (F) are added to
29 read as follows:

30 (C) the waiver or reduction of copayments, coinsurance and deductibles
31 for preventive services covered under the group policy or subscriber
32 contract; [and]

33 (D) monetary rewards in the form of gift cards or gift certificates,
34 so long as the recipient of the reward is encouraged to use the reward
35 for a product or a service that promotes good health, such as healthy
36 cook books, over the counter vitamins or exercise equipment[.];

37 (E) FULL OR PARTIAL REIMBURSEMENT OF THE COST OF PARTICIPATING IN A
38 STRESS MANAGEMENT PROGRAM OR ACTIVITY; AND

39 (F) FULL OR PARTIAL REIMBURSEMENT OF THE COST OF PARTICIPATING IN A
40 HEALTH OR FITNESS PROGRAM.

41 S 5. This act shall take effect immediately, except that sections one
42 and two of this act shall take effect one year after this act shall have
43 become a law; provided that, effective immediately, any rules and regu-
44 lations necessary to implement the provisions of this act on its effec-
45 tive date are authorized and directed to be completed on or before such
46 date.