

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

10016--B

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 -- reported and referred to the Committee on Ways and Means -- 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, EDUCATORS,
8 INCLUDING BUT NOT LIMITED TO ELEMENTARY AND SECONDARY SCHOOL EDUCATORS,
9 and health care providers relating to any health care matters the
10 commissioner deems appropriate and:
11 3. The department may produce, make available to others for reprod-
12 uction, or contract with others to develop such materials mentioned in
13 this section as the commissioner deems appropriate. These materials
14 shall be made available to the public AND TO EDUCATORS, INCLUDING BUT
15 NOT LIMITED TO ELEMENTARY AND SECONDARY SCHOOL EDUCATORS free of charge
16 as appropriate or for a fee under certain circumstances. The commission-

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

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1 er may require where appropriate any health care provider to make these
2 materials available to patients.

3 4. In exercising any of his or her powers under this section, the
4 commissioner may consult with appropriate health care professionals,
5 providers, consumers, EDUCATORS and patients or organizations represent-
6 ing them.

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

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

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

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

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

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

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

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

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

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

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

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

45 S 5. This act shall take effect immediately.