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

10321

I N A S S E M B L Y

May 22, 2012

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to establishing health reimbursement arrangements relating to Medicare benefits of out-of-state public retirees

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

Section 1. Section 162 of the civil service law is amended by adding a new subdivision 9 to read as follows:

9. (A) THE PRESIDENT IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH A PLAN WHICH PROVIDES HEALTH REIMBURSEMENT ARRANGEMENTS TO THOSE PUBLIC EMPLOYEE RETIREES AND THEIR DEPENDENTS WHO ARE COVERED BY MEDICARE AND WHOSE PRIMARY RESIDENCE IS OUTSIDE THE STATE. THE PRESIDENT SHALL ADOPT SUCH FURTHER REGULATIONS AS MAY BE REQUIRED FOR THE EFFECTIVE ADMINISTRATION OF THE HEALTH REIMBURSEMENT ARRANGEMENTS, INCLUDING ELIGIBILITY, TERMS AND CONDITIONS RELATING TO THE HEALTH REIMBURSEMENT ARRANGEMENTS.

(B) THE HEALTH REIMBURSEMENT ARRANGEMENTS SHALL PROVIDE ACCESS TO INDIVIDUAL INSURANCE POLICES, INCLUDING MEDIGAP OR MEDICARE SUPPLEMENT POLICIES, MEDICARE ADVANTAGE POLICIES AND MEDICARE PRESCRIPTION DRUG POLICIES. THE HEALTH REIMBURSEMENT ARRANGEMENTS SHALL ALSO PROVIDE FOR THE PAYMENT OF OR REIMBURSEMENT FOR THE PREMIUMS RELATING TO SUCH INDIVIDUAL INSURANCE POLICIES AND ANY OTHER ELIGIBLE EXPENSES AS DETERMINED BY THE PRESIDENT IN REGULATIONS.

(C) THE PRESIDENT AND CONTRIBUTING PUBLIC EMPLOYERS SHALL ESTABLISH THE LEVEL OF CONTRIBUTIONS TO THE HEALTH REIMBURSEMENT ARRANGEMENTS, SUBJECT TO ANY APPLICABLE LAW.

(D) THE PRESIDENT SHALL ENTER INTO A CONTRACT WITH AN ADMINISTRATOR TO PROVIDE ADMINISTRATIVE SERVICES WITH RESPECT TO THE HEALTH REIMBURSEMENT ARRANGEMENTS.

(E) FOR PURPOSES OF THIS SUBDIVISION, "PUBLIC EMPLOYEE RETIREES AND THEIR DEPENDENTS" SHALL MEAN RETIRED MEMBERS (AND THEIR DEPENDENTS, SURVIVING SPOUSES AND SURVIVING DEPENDENT CHILDREN) OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHOSE PRIMARY RESIDENCE IS OUTSIDE THE STATE.

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

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(F) FOR PURPOSES OF THIS SUBDIVISION, "PUBLIC EMPLOYER" SHALL MEAN THE FOLLOWING: (I) THE STATE; (II) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION; OR (III) ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THIS STATE.

(G) THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO THE HEALTH REIMBURSEMENT ARRANGEMENTS, BUT MAY APPLY TO THE INDIVIDUAL INSURANCE POLICIES AS MAY BE SET FORTH IN THE INSURANCE LAW.

S 2. This act shall take effect immediately; provided, however, nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement.