

8850

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Aging

AN ACT to amend the elder law and the insurance law, in relation to long term care insurance education, premiums and prohibition of exclusions for pre-existing conditions

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

1 Section 1. Subdivision 8 of section 203 of the elder law, as added by
2 section 18 of part B of chapter 58 of the laws of 2007, is amended to
3 read as follows:
4 8. The director, in consultation with the commissioner of health,
5 shall establish a program to be known as the NY Connects: Choices for
6 Long Term Care. The purpose of this initiative is to provide consistent,
7 comprehensive, locally-based information and assistance on long term
8 care services to consumers, caregivers and families to help them make
9 educated choices. This program shall provide individuals, caregivers,
10 and families with objective information and assistance about home,
11 community-based and institutional long term care services, AS WELL AS
12 INFORMATION ABOUT LONG TERM CARE INSURANCE PRODUCTS AND PROVIDERS. NY
13 Connects will be available on a voluntary basis to consumers, caregivers
14 and their families. There shall be an on-going education and outreach
15 campaign to educate the public about long term care services available
16 in their community and to assist consumers in preparing for their long
17 term care needs.
18 S 2. Section 1117 of the insurance law is amended by adding two new
19 subsections (c-1) and (c-2) to read as follows:
20 (C-1) THE PREMIUM RATES FOR SUCH CONTRACTS SHALL BE LEVEL FOR THE
21 DURATION OF THE POLICY OR CERTIFICATE EXCEPT WHERE A RATE INCREASE IS
22 GRANTED BY THE SUPERINTENDENT. NO RATE INCREASE MAY BE DEEMED APPROVED
23 IF THAT INCREASE, TOGETHER WITH ANY OTHER RATE INCREASE IMPOSED ON THE
24 SAME CONTRACT OR CERTIFICATE WOULD CAUSE THE AGGREGATE RATE INCREASE FOR
25 THAT CONTRACT OR CERTIFICATE TO EXCEED THE LESSER OF THREE PERCENT OR
26 THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUM-

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

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1 ERS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES
2 DEPARTMENT OF LABOR DURING ANY CONTINUOUS TWELVE MONTH PERIOD.

3 (C-2) THE SUPERINTENDENT SHALL NOT AUTHORIZE SUCH A CONTRACT WHICH
4 INCLUDES AN EXCLUSION FOR PRE-EXISTING CONDITIONS.

5 S 3. Subsection (d) of section 1117 of the insurance law, as amended
6 by chapter 446 of the laws of 1996, is amended to read as follows:

7 (d) Contracts issued pursuant to the provisions of this section shall
8 be subject to all other provisions of this chapter and the regulations
9 promulgated thereunder applicable to the insurer, health maintenance
10 organization, or fraternal benefit society which issues the contract,
11 provided however that in order to permit the development of long term
12 care plans, the superintendent may modify or suspend any such provision
13 or regulation upon making the determinations set forth in subsection (f)
14 of this section; AND PROVIDED FURTHER THAT TO THE EXTENT THAT THE
15 PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF THIS
16 CHAPTER, THE PROVISIONS OF THIS SECTION SHALL PREVAIL.

17 S 4. Subsection (b) of section 3229 of the insurance law, as amended
18 by chapter 572 of the laws of 2008, is amended to read as follows:

19 (b) In establishing minimum benefit standards for insurance plans
20 pursuant to this section, the superintendent shall seek to ensure the
21 cost effectiveness of the partnership for long term care program estab-
22 lished pursuant to section three hundred sixty-seven-f of the social
23 services law, and may establish minimum permissible payments under such
24 insurance plans. The superintendent shall not approve an insurance plan
25 which includes an exclusion for pre-existing conditions [that exceeds
26 six months], or which does not OTHERWISE comply with [paragraph six of
27 subsection (b) of] section one thousand one hundred seventeen of this
28 chapter.

29 S 5. This act shall take effect on the first of January next succeed-
30 ing the date on which it shall have become a law.