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

9081

I N A S S E M B L Y

January 20, 2012

Introduced by M. of A. N. RIVERA -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing a health insurance anti-fraud and patient identification program

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

Section 1. The insurance law is amended by adding a new section 4242 to read as follows:

S 4242. HEALTH INSURANCE ANTI-FRAUD AND PATIENT IDENTIFICATION PROGRAM. 1. THE SUPERINTENDENT SHALL IMPLEMENT A HEALTH INSURANCE ANTI-FRAUD AND PATIENT IDENTIFICATION PROGRAM, WHICH SHALL REQUIRE HEALTH CARE INSURANCE COMPANIES TO UTILIZE BIOMETRIC TECHNOLOGY TO ACCURATELY IDENTIFY POLICY HOLDERS OR ANY PERSONS COVERED UNDER A POLICY HOLDER'S HEALTH INSURANCE POLICY.

2. SUCH PROGRAM SHALL REQUIRE HEALTH INSURANCE COMPANIES TO ISSUE HEALTH INSURANCE SMART CARDS NO LATER THAN JULY FIRST, TWO THOUSAND FOURTEEN. SUCH CARD SHALL BE REQUIRED TO BE PRESENTED TO EACH MEDICAL FACILITY OR PHARMACY TO PROVE A PERSON'S IDENTIFY PRIOR TO RECEIVING HEALTH CARE SERVICES OR MEDICATION.

3. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "BIOMETRIC TECHNOLOGY" SHALL MEAN TECHNOLOGY THAT MEASURES AND ANALYZES BIOLOGICAL DATA, INCLUDING HUMAN BODY CHARACTERISTICS, SUCH AS DNA, FINGERPRINTS, VASCULAR PATTERNS, EYE RETINAS AND IRISES, VOICE PATTERNS, FACIAL PATTERNS AND HAND MEASUREMENTS, FOR AUTHENTICATION PURPOSES.

(B) "SMART CARD" SHALL MEAN AN IDENTIFICATION CARD UTILIZATION BIOMETRIC TECHNOLOGY.

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided, however that the superintendent of insurance is hereby authorized to promulgate all rules and regulations and take any other measures necessary to implement this act on its effective date.

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

LBD13678-01-1