

3387

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. CYMBROWITZ, PHEFFER, REILLY, ABBATE -- Multi-Sponsored by -- M. of A. BRENNAN, ROBINSON -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for insurance claims or billing purposes

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

1 Section 1. Paragraph 16 of subsection (a) of section 3217-a of the
2 insurance law, as added by chapter 705 of the laws of 1996, is amended
3 and a new paragraph 16-a is added to read as follows:
4 (16) notice of all appropriate mailing addresses and telephone numbers
5 to be utilized by insureds seeking information or authorization; [and]
6 (16-A) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING
7 ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR
8 THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC
9 BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-
10 FOUR-A OF THIS ARTICLE WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO
11 SUCH INSURER BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE
12 STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR
13 HER; AND
14 S 2. The insurance law is amended by adding a new section 3234-a to
15 read as follows:
16 S 3234-A. ALTERNATIVE CONTACT INFORMATION FOR VICTIMS OF DOMESTIC
17 VIOLENCE. (A) EVERY INSURER, CORPORATION ORGANIZED PURSUANT TO ARTICLE
18 FORTY-THREE OF THIS CHAPTER, MUNICIPAL COOPERATIVE HEALTH BENEFITS PLAN
19 CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER AND HEALTH
20 MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE
21 PUBLIC HEALTH LAW IS REQUIRED TO PROVIDE ANY INSURED OR SUBSCRIBER WHO
22 IS A VICTIM OF DOMESTIC VIOLENCE, UPON WRITTEN REQUEST OF SUCH INSURED
23 OR SUBSCRIBER, WITH THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING

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

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1 ADDRESS, TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR
2 THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC
3 BILLING PURPOSES.

4 (B) THE WRITTEN REQUEST REQUIRED BY SUBSECTION (A) OF THIS SECTION
5 SHALL BE IN THE FORM OF AN ATTESTATION STATING THAT THE DISCLOSURE OF
6 SUCH INFORMATION COULD ENDANGER THE INSURED OR SUBSCRIBER.

7 (C) FOR PURPOSES OF THIS SECTION, THE TERM "VICTIM OF DOMESTIC
8 VIOLENCE" SHALL HAVE THE SAME MEANING AS CONTAINED IN SECTION FOUR
9 HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

10 S 3. Paragraphs 17 and 18 of subsection (a) of section 4324 of the
11 insurance law, as added by chapter 705 of the laws of 1996, are amended
12 and a new paragraph 19 is added to read as follows:

13 (17) where applicable, a listing by specialty, which may be in a sepa-
14 rate document that is updated annually, of the name, address, and tele-
15 phone number of all participating providers, including facilities, and
16 in addition, in the case of physicians, board certification; [and]

17 (18) a description of the mechanisms by which subscribers may partic-
18 ipate in the development of the policies of the corporation[.]; AND

19 (19) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS,
20 TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE
21 PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING
22 PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF
23 THIS CHAPTER WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO SUCH CORPO-
24 RATION BY A WRITTEN ATTESTATION BY A VICTIM OF DOMESTIC VIOLENCE STATING
25 THAT THE DISCLOSURE OF SUCH INFORMATION COULD ENDANGER HIM OR HER.

26 S 4. Paragraphs (q) and (r) of subdivision 1 of section 4408 of the
27 public health law, as added by chapter 705 of the laws of 1996, are
28 amended and a new paragraph (s) is added to read as follows:

29 (q) notice of all appropriate mailing addresses and telephone numbers
30 to be utilized by enrollees seeking information or authorization; [and]

31 (r) a listing by specialty, which may be in a separate document that
32 is updated annually, of the name, address and telephone number of all
33 participating providers, including facilities, and, in addition, in the
34 case of physicians, board certification[.]; AND

35 (S) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS,
36 TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE
37 PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING
38 PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF
39 THE INSURANCE LAW WHEN THE REQUESTED DESIGNATION IS SUBMITTED TO THE
40 HEALTH MAINTENANCE ORGANIZATION BY A WRITTEN ATTESTATION BY A VICTIM OF
41 DOMESTIC VIOLENCE STATING THAT THE DISCLOSURE OF SUCH INFORMATION COULD
42 ENDANGER HIM OR HER.

43 S 5. Section 2612 of the insurance law is amended by adding a new
44 subsection (h) to read as follows:

45 (H) IN ACCORDANCE WITH AND SUBJECT TO THE PROVISIONS OF PARAGRAPH
46 SIXTEEN-A OF SUBSECTION (A) OF SECTION THREE THOUSAND TWO HUNDRED SEVEN-
47 TEEN-A, SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A AND PARAGRAPH
48 NINETEEN OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE HUNDRED TWEN-
49 TY-FOUR OF THIS CHAPTER, AND PARAGRAPH (S) OF SUBDIVISION ONE OF SECTION
50 FORTY-FOUR HUNDRED EIGHT OF THE PUBLIC HEALTH LAW, IF ANY PERSON COVERED
51 BY AN INSURANCE POLICY OR CONTRACT ISSUED TO ANOTHER PERSON AS THE POLI-
52 CY HOLDER OR SUBSCRIBER DELIVERS TO THE ISSUER OF SUCH POLICY OR
53 CONTRACT, AT ITS HOME OFFICE, A NOTICE THAT SUCH INSURED OR SUBSCRIBER
54 IS A VICTIM OF DOMESTIC VIOLENCE, THEN SUCH ISSUER SHALL HONOR THE
55 REQUEST OF SUCH VICTIM TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS,
56 TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE

1 PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING
2 PURPOSES. FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "VICTIM OF
3 DOMESTIC VIOLENCE" SHALL HAVE THE SAME MEANING AS CONTAINED IN SECTION
4 FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

5 S 6. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law and shall apply to all
7 policies and contracts issued, renewed, altered or modified on or after
8 such effective date.