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

569

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. SAYWARD, REILICH, TEDISCO, BUTLER, BARCLAY, AMEDORE -- Multi-Sponsored by -- M. of A. BOYLE, BURLING, CALHOUN, CONTE, CROUCH, DUPREY, FINCH, FITZPATRICK, GIGLIO, HAWLEY, HAYES, KOLB, P. LOPEZ, McDONOUGH, McKEVITT, J. MILLER, MOLINARO, OAKS, RABBITT, RAIA, SALADINO, THIELE, TOBACCO -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to standardized health insurance contracts for qualifying small employers and individuals

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

Section 1. Items (i) and (iii) of subparagraph (A) of paragraph 1 of subsection (c) of section 4326 of the insurance law, item (i) as amended and item (iii) as added by chapter 419 of the laws of 2000, are amended to read as follows:

(i) without health insurance which provides benefits on an expense reimbursed or prepaid basis in effect during the [twelve] SIX month period prior to application for a qualifying group health insurance contract under the program established by this section; and

(iii) except that the requirements set forth in item (i) of this subparagraph shall not be applicable where an individual proprietor had health insurance coverage during the previous [twelve] SIX months and such coverage terminated due to one of the reasons set forth in items (i) through (viii) of subparagraph (C) of paragraph three of THIS subsection [(c) of this section]; or

S 2. Item (ii) of subparagraph (B) of paragraph 1 of subsection (c) of section 4326 of the insurance law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

(ii) no group health insurance which provides benefits on an expense reimbursed or prepaid basis covering employees in effect during the [twelve] SIX month period prior to application for a qualifying group

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

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health insurance contract under the program established by this section; and

S 3. Subparagraph (D) of paragraph 1 of subsection (c) of section 4326 of the insurance law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

(D) The [twelve] SIX month period set forth in item (i) of subparagraph (A) of this paragraph and in item (ii) of subparagraph (B) of this paragraph may be adjusted by the superintendent from [twelve] SIX months to [eighteen] TWELVE months if he determines that the [twelve] SIX month period is insufficient to prevent inappropriate substitution of other health insurance contracts for qualifying group health insurance contracts.

S 4. Items (i) and (ii) of subparagraph (A) of paragraph 3 of subsection (c) of section 4326 of the insurance law, as added by chapter 1 of the laws of 1999, are amended to read as follows:

(i) who does not have and has not had health insurance with benefits on an expense reimbursed or prepaid basis during the [twelve] SIX month period prior to the individual's application for health insurance under the program established by this section;

(ii) whose employer does not provide group health insurance and has not provided group health insurance with benefits on an expense reimbursed or prepaid basis covering employees in effect during the [twelve] SIX month period prior to the individual's application for health insurance under the program established by this section;

S 5. The opening paragraph of subparagraph (C) of paragraph 3 of subsection (c) of section 4326 of the insurance law, as amended by chapter 419 of the laws of 2000, is amended to read as follows:

The requirements set forth in items (i) and (ii) of subparagraph (A) of this paragraph shall not be applicable where an individual had health insurance coverage during the previous [twelve] SIX months and such coverage terminated due to:

S 6. Subparagraph (D) of paragraph 3 of subsection (c) of section 4326 of the insurance law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

(D) The [twelve] SIX month period set forth in items (i) and (ii) of subparagraph (A) of this paragraph may be adjusted by the superintendent from [twelve] SIX months to [eighteen] TWELVE months if he determines that the [twelve] SIX month period is insufficient to prevent inappropriate substitution of other health insurance contracts for qualifying individual health insurance contracts.

S 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.