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

8116

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

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

AN ACT providing for the role of agents and brokers in an American health benefit exchange created in compliance with the federal Patient Protection and Affordable Care Act

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

Section 1. For purposes of this act, the following terms shall have the following meanings:

1. The "Patient Protection and Affordable Care Act" means Public Law 111-148, 124 Stat. 119, codified as amended at scattered sections of the Internal Revenue Code and in title 42 of the United States Code.

2. "The exchange" means the American health benefit exchange to be established in this state in compliance with section 1311 of the Patient Protection and Affordable Care Act.

3. "Agents" or "brokers" mean, respectively, insurance agents or insurance brokers duly licensed as such under the insurance law.

4. "Navigator" means an entity described by 42 U.S.C. S 18031(i).

S 2. Upon the passage of any act, law, rule or regulation of this state, the multiple states or the United States creating an American health benefit exchange in this state in compliance with section 1311 of the Patient Protection and Affordable Care Act, and to the extent consistent with the Patient Protection and Affordable Care Act and the regulations promulgated by the United States Secretary of Health & Human Services thereunder, the following provisions shall apply to such an exchange:

1. The commissioner of insurance shall establish procedures by which agents or brokers may:

(a) enroll individuals and employers in any qualified health plan in the individual or small group market as soon as such plan is offered through the exchange;

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

LBD11529-01-1

(b) assist individuals in applying for premium tax credits and cost-sharing reductions for plans sold through the exchange; and

(c) receive compensation for their services through the insurance carriers with which they contract to do business using fair market rates.

2. Any navigator through the exchange shall be subject to the existing licensure and continuing education requirements to which agents or brokers are subject.

S 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 4. This act shall take effect upon the passage of any act, law, rule or regulation by this state or by multiple states or by the United States, which creates an American health benefit exchange in this state, but if such act, law, rule or regulation shall have already been enacted, this act shall take effect immediately; provided that the commissioner of insurance shall notify the legislative bill drafting commission upon the occurrence of the enactment of such act, law, rule or regulation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.