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

8235

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

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

AN ACT to amend the insurance law, in relation to establishing a small group wellness incentive pilot program to expand the prevalence of employee wellness initiatives by small businesses

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 article 44-A to read as follows:

ARTICLE 44-A

SMALL GROUP WELLNESS INCENTIVE PILOT PROGRAM

SECTION 4450. SMALL GROUP WELLNESS INCENTIVE PILOT PROGRAM.

S 4450. SMALL GROUP WELLNESS INCENTIVE PILOT PROGRAM. (A) THERE SHALL BE A SMALL GROUP WELLNESS INCENTIVE PILOT PROGRAM TO EXPAND THE PREVALENCE OF EMPLOYEE WELLNESS INITIATIVES BY SMALL BUSINESSES. THE PROGRAM SHALL BE ADMINISTERED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH. THE PROGRAM SHALL PROVIDE SUBSIDIES AND TECHNICAL ASSISTANCE FOR ELIGIBLE SMALL GROUPS TO IMPLEMENT EVIDENCE-BASED EMPLOYEE HEALTH AND WELLNESS PROGRAMS TO IMPROVE EMPLOYEE HEALTH, DECREASE EMPLOYER HEALTH COSTS, AND INCREASE PRODUCTIVITY.

(B) AN ELIGIBLE SMALL GROUP SHALL BE QUALIFIED TO PARTICIPATE IN THE PROGRAM IF:

(1) THE ELIGIBLE SMALL GROUP IS ELIGIBLE FOR FEDERAL HEALTH CARE TAX CREDITS UNDER THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, PUB. L. 111-148;

(2) THE ELIGIBLE SMALL GROUP OFFERS AN EVIDENCE-BASED, EMPLOYEE WELLNESS PROGRAM, THAT MEETS CERTAIN MINIMUM CRITERIA, AS DETERMINED BY THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH;

(3) THE ELIGIBLE SMALL GROUP MEETS CERTAIN MINIMUM EMPLOYEE PARTICIPATION REQUIREMENTS IN THE QUALIFIED WELLNESS PROGRAM, AS DETERMINED BY THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH.

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

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(C) FOR ELIGIBLE SMALL GROUPS PARTICIPATING IN THE PROGRAM, THE DEPARTMENT SHALL PROVIDE AN ANNUAL SUBSIDY NOT TO EXCEED FIFTEEN PERCENT OF ELIGIBLE EMPLOYER HEALTH CARE COSTS, AS CALCULATED BY THE DEPARTMENT. AGGREGATE EXPENDITURES FOR THE SUBSIDY PROGRAM SHALL NOT EXCEED FIVE MILLION DOLLARS IN ANY FISCAL YEAR. IF THE SUPERINTENDENT DETERMINES THAT FUNDS ARE INSUFFICIENT TO MEET THE PROJECTED COSTS OF ENROLLING NEW ELIGIBLE EMPLOYERS, THE SUPERINTENDENT SHALL IMPOSE A CAP ON ENROLLMENT IN THE PROGRAM.

(D) THE DEPARTMENT SHALL COORDINATE WITH THE DEPARTMENT OF HEALTH TO PROVIDE TECHNICAL ASSISTANCE, INCLUDING GRANT-WRITING ASSISTANCE, TO PARTICIPATING ELIGIBLE SMALL GROUPS IN ORDER TO MAXIMIZE FEDERAL GRANT FUNDING PROVIDED UNDER THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT FOR THE ESTABLISHMENT OF WELLNESS INITIATIVES BY SMALL EMPLOYERS.

(E) THE DEPARTMENT SHALL SEEK TO ENSURE THAT ALL NECESSARY APPLICATIONS AND FILINGS COORDINATE WITH AND CONFORM TO APPROPRIATE FEDERAL GUIDELINES IN ORDER TO MINIMIZE ADMINISTRATIVE BURDEN ON PARTICIPATING SMALL GROUPS.

(F) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE ENROLLMENT IN THE SMALL BUSINESS WELLNESS INCENTIVE PILOT PROGRAM AND EVALUATE THE IMPACT OF THE PROGRAM ON EXPANDING WELLNESS INITIATIVES FOR SMALL GROUPS.

(G) THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS TO IMPLEMENT THIS ARTICLE.

S 2. This act shall take effect immediately.