

3239

2013-2014 Regular Sessions

I N S E N A T E

January 31, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing the office of insurance consumer advocate within the department of financial services and describing its powers and duties

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

1 Section 1. The insurance law is amended by adding a new section 210-a
2 to read as follows:
3 S 210-A. OFFICE OF INSURANCE CONSUMER ADVOCATE. (A) THERE IS HEREBY
4 CREATED WITHIN THE DEPARTMENT THE OFFICE OF INSURANCE CONSUMER ADVOCATE,
5 HEREFTER REFERRED TO IN THIS SECTION AS THE OFFICE. SUCH OFFICE SHALL
6 CONSIST OF FIVE MEMBERS, THREE OF WHOM SHALL BE APPOINTED BY THE SECRE-
7 TARY OF STATE AND TWO OF WHOM SHALL BE APPOINTED BY THE SUPERINTENDENT.
8 MEMBERS OF THE OFFICE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICE AS
9 MEMBERS, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
10 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.
11 (B) THE OFFICE, TOGETHER WITH THE DEPARTMENT OF STATE, SHALL:
12 (1) ASSESS THE IMPACT OF INSURANCE REGULATORY ACTIONS ON NEW YORK
13 CONSUMERS. SUCH ASSESSMENT SHALL INCLUDE THE REVIEW OF APPLICATIONS FOR
14 SUBSCRIBER RATE CHANGES FILED BY HEALTH INSURANCE PROVIDERS LICENSED
15 PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER AND ARTICLE FORTY-FOUR
16 OF THE PUBLIC HEALTH LAW.
17 (2) APPEAR AT PUBLIC HEARINGS AS A REPRESENTATIVE OF CONSUMERS, TREAT-
18 ED AS A CLASS, WITH RESPECT TO RATE-SETTING MATTERS THAT ARE BEFORE THE
19 SUPERINTENDENT THAT AFFECT THE CONSUMING PUBLIC.
20 (3) POSSESS ALL RIGHTS AND POWERS OF ANY PARTY AT INTEREST APPEARING
21 BEFORE THE DEPARTMENT WITH REGARD TO EXAMINATION AND CROSS-EXAMINATION
22 OF WITNESSES AND PRESENTATION OF EVIDENCE.
23 (4) HAVE ACCESS AS ANY PARTY, OTHER THAN STAFF, TO ALL RECORDS GATH-
24 ERED BY THE DEPARTMENT INCLUDING NONPRIVILEGED MATERIAL WHICH IS RELE-

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

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1 VANT TO THE SUBJECT MATTER INVOLVED IN SUCH PROCEEDINGS BEFORE THE
2 DEPARTMENT.

3 (5) RECOMMEND INSURANCE-RELATED LEGISLATION TO THE LEGISLATURE IN
4 CONSULTATION WITH THE DEPARTMENT OF STATE THAT IN ITS JUDGMENT WOULD
5 POSITIVELY AFFECT THE INTERESTS OF CONSUMERS.

6 THE OFFICE SHALL NOT PREEMPT THE APPEARANCE OF OTHER CONSUMER ADVO-
7 CATES AT ANY OFFICIAL PROCEEDINGS.

8 (C) THE OFFICE SHALL BE FUNDED BY AN ASSESSMENT UPON ALL DOMESTIC
9 INSURERS AND ALL LICENSED UNITED STATES BRANCHES OF ALIEN INSURERS DOMI-
10 CILED IN THIS STATE IN THE SAME MANNER AS SUCH INSURERS ARE ASSESSED
11 PURSUANT TO SECTION THREE HUNDRED THIRTY-TWO OF THIS CHAPTER. SUCH
12 ASSESSMENT SHALL BE FOR THE PURPOSE OF DEFRAYING THE COSTS OF CREATING,
13 ADMINISTERING AND OPERATING THE OFFICE.

14 S 2. This act shall take effect on the sixtieth day after it shall
15 have become a law.