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

9223

I N A S S E M B L Y

February 4, 2016

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

AN ACT to amend the insurance law and a chapter of the laws of 2015 amending the insurance law and the public health law relating to permitting pregnant women to enroll in the state health insurance exchange at any time, as proposed in legislative bills numbers S. 5972 and A. 6780-B, in relation to enrollment periods for pregnant women in health maintainers organizations; and to repeal certain provisions of the insurance law and the public health law relating thereto

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

Section 1. Subsection (d) of section 3217-c of the insurance law, as added by a chapter of the laws of 2015 amending the insurance law and the public health law relating to permitting pregnant women to enroll in the state health insurance exchange at any time, as proposed in legislative bills numbers S. 5972 and A. 6780-B, is REPEALED.

S 2. Paragraph 4 of subsection (b) of section 4328 of the insurance law, as added by section 46 of part D of chapter 56 of the laws of 2013, is amended to read as follows:

(4)(A) The individual enrollee direct payment contract offered pursuant to this section shall have the same enrollment periods, including special enrollment periods, as required for an individual direct payment contract offered within the health benefit exchange established pursuant to section 1311 of the affordable care act, 42 U.S.C. S 18031, or any regulations promulgated thereunder.

(B) IN ADDITION TO THE ENROLLMENT PERIODS REQUIRED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, AN INDIVIDUAL ENROLLEE DIRECT PAYMENT CONTRACT OFFERED PURSUANT TO THIS SECTION SHALL ALLOW FOR THE ENROLLMENT OF A PREGNANT INDIVIDUAL. SUCH INDIVIDUAL MAY ENROLL AT ANY TIME AFTER A HEALTH CARE PROFESSIONAL LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW AND ACTING WITHIN THE SCOPE OF HIS OR HER PRACTICE CERTIFIES THAT THE INDIVIDUAL IS PREGNANT. UPON ENROLLMENT, COVERAGE SHALL BE EFFECTIVE AS OF THE FIRST DAY OF THE MONTH IN WHICH THE HEALTH CARE PROFESSIONAL CERTIFIES THAT THE INDIVIDUAL IS PREGNANT, UNLESS THE INDI-

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

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VIDUAL ELECTS TO HAVE COVERAGE EFFECTIVE ON THE FIRST DAY OF THE MONTH FOLLOWING THE DATE THAT THE INDIVIDUAL RECEIVED CERTIFICATION OF THE PREGNANCY.

S 3. Section 2507 of the public health law, as added by a chapter of the laws of 2015 amending the insurance law and the public health law relating to permitting pregnant women to enroll in the state health insurance exchange at any time, as proposed in legislative bills numbers S. 5972 and A. 6780-B, is REPEALED.

S 4. Section 3 of a chapter of the laws of 2015, amending the insurance law and the public health law relating to permitting pregnant women to enroll in the state health insurance exchange at any time, as proposed in legislative bills numbers S. 5972 and A. 6780-B, is amended to read as follows:

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all [qualified health plans] POLICIES OR CONTRACTS issued, renewed, modified, altered or amended on or after such effective date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

S 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2015, amending the insurance law and the public health law relating to permitting pregnant women to enroll in the state health insurance exchange at any time, as proposed in legislative bills numbers S. 5972 and A. 6780-B, takes effect.