

# STATE OF NEW YORK

3394

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

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

AN ACT to amend the insurance law and the public health law, in relation to ensuring reproductive health care during auto enrollment

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 3242  
2 to read as follows:

3 § 3242. Ensuring reproductive health care during auto enrollment. (a)  
4 Upon the automatic enrollment of an individual by the department into a  
5 health insurance plan provided by a health insurance company that  
6 excludes coverage for reproductive health care services that were  
7 covered by the individual's previous health insurance plan, the health  
8 insurance company which provides the plan in which the individual was  
9 automatically enrolled shall notify the individual of the differences  
10 between each of the following:

11 (1) reproductive health care coverage they received through their  
12 previous plan;

13 (2) reproductive health care coverage they would receive under the  
14 plan in which they were automatically enrolled; and

15 (3) the requirements for reproductive health care coverage under the  
16 essential health benefits package.

17 (b) For the calendar year two thousand seventeen, an individual who  
18 was automatically enrolled in a health insurance plan provided by a  
19 health insurance company that excludes coverage for reproductive health  
20 care services that were covered by their previous health insurance plan  
21 shall be notified by the health insurance company which provides the  
22 plan in which the individual was automatically enrolled of the differ-  
23 ences between each of the following:

24 (1) reproductive health care coverage they received through their  
25 previous plan;

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

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1     (2) reproductive health care coverage they would receive under the  
2 plan in which they were automatically enrolled; and

3     (3) the requirements for reproductive health care coverage under the  
4 essential health benefits package.

5     (c) For individuals who were automatically enrolled in a health insur-  
6 ance plan during the calendar year two thousand seventeen prior to the  
7 effective date of this section, this information shall be delivered to  
8 them in writing no later than thirty days after the effective date of  
9 this section; for individuals who are automatically enrolled in a health  
10 insurance plan after the effective date of this section, this informa-  
11 tion shall be delivered to them in writing no later than thirty days  
12 after automatic enrollment in the plan.

13     § 2. The insurance law is amended by adding a new section 4329 to read  
14 as follows:

15     § 4329. Ensuring reproductive health care during auto enrollment. (a)  
16 Upon the automatic enrollment of an individual by the department into a  
17 health insurance plan provided by a health insurance company that  
18 excludes coverage for reproductive health care services that were  
19 covered by the individual's previous health insurance plan, the health  
20 insurance company which provides the plan in which the individual was  
21 automatically enrolled shall notify the individual of the differences  
22 between each of the following:

23     (1) reproductive health care coverage they received through their  
24 previous plan;

25     (2) reproductive health care coverage they would receive under the  
26 plan in which they were automatically enrolled; and

27     (3) the requirements for reproductive health care coverage under the  
28 essential health benefits package.

29     (b) For the calendar year two thousand seventeen, an individual who  
30 was automatically enrolled in a health insurance plan provided by a  
31 health insurance company that excludes coverage for reproductive health  
32 care services that were covered by their previous health insurance plan  
33 shall be notified by the health insurance company which provides the  
34 plan in which the individual was automatically enrolled of the differ-  
35 ences between each of the following:

36     (1) reproductive health care coverage they received through their  
37 previous plan;

38     (2) reproductive health care coverage they would receive under the  
39 plan in which they were automatically enrolled; and

40     (3) the requirements for reproductive health care coverage under the  
41 essential health benefits package.

42     (c) For individuals who were automatically enrolled in a health insur-  
43 ance plan during the calendar year two thousand seventeen prior to the  
44 effective date of this section, this information shall be delivered to  
45 them in writing no later than thirty days after the effective date of  
46 this section; for individuals who are automatically enrolled in a health  
47 insurance plan after the effective date of this section, this informa-  
48 tion shall be delivered to them in writing no later than thirty days  
49 after automatic enrollment in the plan.

50     § 3. The public health law is amended by adding a new section 4415 to  
51 read as follows:

52     § 4415. Ensuring reproductive health care during auto enrollment. 1.  
53 Upon the automatic enrollment of an individual by the department of  
54 financial services into a health insurance plan provided by a health  
55 maintenance organization that excludes coverage for reproductive health  
56 care services that were covered by the individual's previous health

1 insurance plan, the health maintenance organization which provides the  
2 plan in which the individual was automatically enrolled shall notify the  
3 individual of the differences between each of the following:

4 (a) reproductive health care coverage they received through their  
5 previous plan;

6 (b) reproductive health care coverage they would receive under the  
7 plan in which they were automatically enrolled; and

8 (c) the requirements for reproductive health care coverage under the  
9 essential health benefits package.

10 2. For the calendar year two thousand seventeen, an individual who was  
11 automatically enrolled in a health insurance plan provided by a health  
12 maintenance organization that excludes coverage for reproductive health  
13 care services that were covered by their previous health insurance plan  
14 shall be notified by the health maintenance organization which provides  
15 the plan in which the individual was automatically enrolled of the  
16 differences between each of the following:

17 (a) reproductive health care coverage they received through their  
18 previous plan;

19 (b) reproductive health care coverage they would receive under the  
20 plan in which they were automatically enrolled; and

21 (c) the requirements for reproductive health care coverage under the  
22 essential health benefits package.

23 3. For individuals who were automatically enrolled in a health insur-  
24 ance plan during the calendar year two thousand seventeen prior to the  
25 effective date of this section, this information shall be delivered to  
26 them in writing no later than thirty days after the effective date of  
27 this section; for individuals who are automatically enrolled in a health  
28 insurance plan after the effective date of this section, this informa-  
29 tion shall be delivered to them in writing no later than thirty days  
30 after automatic enrollment in the plan.

31 § 4. This act shall take effect immediately.