

STATE OF NEW YORK

5817--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. SOLAGES, RIVERA, HEVESI, SANTABARBARA -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to certain reports relating to health benefits for state and retired state employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 162 of the civil service law, as
2 added by chapter 147 of the laws of 2014, is amended to read as follows:
3 9. (a) (i) As soon as is practicable, but no later than the first of
4 September, two thousand fourteen, the department shall, upon request,
5 but no more frequently than semi-annually, provide to any participating
6 employer a standard report which contains data relating to the use of
7 benefits by persons covered under the plan by such employer. Such report
8 shall include: premiums paid by month for each month covered in the
9 report and paid claims by month for the following categories of
10 services: inpatient hospital, outpatient hospital, in network medical,
11 out of network medical, prescription drugs, and treatment of behavioral
12 conditions, each reported separately. To the extent allowed by state and
13 federal privacy laws, such report shall also contain claims information
14 for individual claimants for claims in excess of fifty thousand dollars
15 that were paid in any of the months covered by the report.
16 (ii) The department shall provide such reports to any participating
17 employer, upon request submitted on or after the first of April for data
18 from the first of January through the thirty-first of December of the
19 prior year, and on or after the first of September for data from the
20 first of June of the prior year through the thirty-first of May of the
21 current year, within thirty days of receipt of said request. However,
22 requests submitted in the two thousand fourteen calendar year shall be

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

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1 provided as soon as practicable, but no later than the first of Septem-
2 ber, two thousand fourteen, or within thirty days after said request if
3 request is submitted on or after the first of August, two thousand four-
4 teen.

5 (b) As soon as practicable, but not later than December first of each
6 year, the department shall collect and analyze health care claims data
7 to develop, and make publicly available, a New York state health benefit
8 plan hospital pricing report. The president must collect health care
9 claims data from both health insurers and health maintenance organiza-
10 tions relating to the "in-network negotiated rate" as such term is
11 defined in, and limited by, the transparency in coverage final rule or
12 successor federal law, as prepared for machine-readable files, as like-
13 wise defined by the transparency in coverage final rule or successor
14 federal law, and utilization of hospital services by active employees,
15 retired employees, and their dependents receiving benefits from the
16 prior state fiscal year, in accordance with provisions under this arti-
17 cle. The report, which shall not identify the plan by name, shall
18 include, but not be limited to, a comparative analysis of actual hospi-
19 tal in-network negotiated rates and out-of-network allowed amounts, as
20 such terms are defined in this paragraph, by the plan, for each hospital
21 facility identified by name and CMS certification number (CCN) or
22 successor identifier, based on the following service categories: (i)
23 inpatient hospital, (ii) outpatient hospital, (iii) emergency room
24 services, and (iv) physician services provided at the hospital. The
25 report shall also include the in-network negotiated rate and out-of-net-
26 work allowed amount per service as such terms are defined in this para-
27 graph per hospital facility on the top twenty services by volume within
28 each of the following service categories: (A) inpatient, (B) outpatient,
29 (C) emergency room services, and (D) physician services provided at the
30 hospital. The report shall compare the in-network negotiated rates and
31 out-of-network allowed amounts to the process for similar services reim-
32 bursed under title eighteen of the social security act. Such report
33 shall also include a comprehensive analysis of the prior five years of
34 hospital in-network negotiated rates and out-of-network allowed amounts
35 for such services to establish trends in hospital prices. The report
36 shall also include an all-plan aggregated total yearly spend by hospital
37 facility identified by name and CMS certification number (CCN) or
38 successor identifier. In preparing the report, the president shall take
39 appropriate steps to ensure that individual insurer's or health plan's
40 confidential proprietary pricing information is maintained as confiden-
41 tial to the extent permissible by law. Such report shall be delivered to
42 the legislative fiscal committees, the chairs of the legislative health
43 care committees, the chair of the senate civil service and pensions
44 committee, and the chair of the assembly committee on governmental
45 employees, on or before December thirty-first of each year, and such
46 report shall be posted on the department's website no later than January
47 first of the following calendar year. For purposes of this subdivision,
48 "health care claims data" means any claims for inpatient, outpatient, or
49 ambulatory surgical services or other services normally paid by the
50 third-party payer on form UB-04 or successor forms, with UB-04 being the
51 billing form identified by the Centers for Medicare and Medicaid
52 Services.

53 § 2. This act shall take effect immediately.