

# STATE OF NEW YORK

7866--B

2023-2024 Regular Sessions

## IN ASSEMBLY

July 7, 2023

Introduced by M. of A. ZEBROWSKI, GUNTHER, BURDICK, LAVINE, EPSTEIN, SHIMSKY, THIELE, NOVAKHOV, SIMONE, CARROLL, COLTON, SEAWRIGHT, DeSTEFANO, LEVENBERG, REYES, SIMON, BENEDETTO, HEVESI, JACOBSON, SILLITTI, WILLIAMS, DURSO, MAHER, BRABENEC, PIROZZOLO, RA, LUPARDO, McDONOUGH, MCGOWAN, STERN, DICKENS, STECK, EACHUS, RIVERA, SHRESTHA, O'DONNELL, BURKE, SLATER, GALLAGHER, KELLES, BENDETT, MIKULIN, RAMOS, VANEL, MAMDANI, ARDILA, BROOK-KRASNY, BERGER, ZINERMAN, K. BROWN, ANGELINO, SIMPSON, GANDOLFO, BURGOS, REILLY, TANNOUSIS, BLANKENBUSH, LUCAS, PHEFFER AMATO, SANTABARBARA, TAGUE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to protecting the health insurance benefits of retirees of public employers and contributions of retirees of public employers

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

- 1 Section 1. This act shall be known as the "Health Equity for Retirees  
2 Act" or "(HERA)".  
3 § 2. 1. On and after the effective date of this act, a public employer  
4 shall not diminish the health insurance benefits provided to retirees  
5 and their dependents or the contributions such employer makes for such  
6 health insurance coverage below the level of such benefits or contribu-  
7 tions made on behalf of such retirees and their dependents by such  
8 public employer as of December 31, 2021.  
9 2. For the purposes of this act:  
10 (a) "diminish" shall mean any change in health care offered that could  
11 potentially make it harder for retirees residing anywhere within the

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

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1 United States, including its territories and possessions, to access  
2 their health care than before such change was made. These changes shall  
3 include, but are not limited to, increasing the cost of such health  
4 care, reducing contributions made by a public employer, forcing retirees  
5 into Medicare Advantage Plans, forcing them to use health care providers  
6 only from pre-designated panels, or forcing them to wait for pre-author-  
7 ization for medical procedures that are recommended by their health care  
8 providers;

9 (b) "health care benefits" shall mean any and all aspects of health  
10 care coverage offered to retirees and their dependents by public employ-  
11 ers, including, but not limited to: (i) costs: this includes the amount  
12 of money (on either an absolute or proportional basis) retirees and  
13 their dependents are charged for premiums, deductibles, coinsurance, and  
14 copayments associated with any health care coverage; (ii) coverage: this  
15 encompasses the specific services and benefits covered by the health  
16 care plan, including inpatient and outpatient care, preventative  
17 services, prescription drugs, mental health and substance abuse treat-  
18 ment, and vision and dental care; and (iii) provider choice: this  
19 includes the ability of retirees and their dependents to access any  
20 health care provider who accepts Medicare or participates in the offered  
21 plan's network, without restriction;

22 (c) "public employer" shall mean the following: (i) the state or a  
23 civil division thereof; (ii) a county, city, town or village; (iii) a  
24 school district, board of cooperative educational services, vocational  
25 education and extension board or a school district as enumerated in  
26 section 1 of chapter 566 of the laws of 1967, as amended; (iv) any  
27 governmental entity operating a college or university; (v) a public  
28 improvement or special district including police or fire districts; (vi)  
29 a public authority, commission or public benefit corporation; or (vii)  
30 any other public corporation, agency, instrumentality or unit of govern-  
31 ment which exercises governmental power under the laws of this state;  
32 and

33 (d) "retiree" shall mean a retiree of a public employer.

34 § 3. This act shall take effect immediately and shall be deemed to  
35 have been in full force and effect on and after December 31, 2021.