

# STATE OF NEW YORK

4097--B

Cal. No. 606

2023-2024 Regular Sessions

## IN SENATE

February 3, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 first of June of the prior year through the thirty-first of May of the  
2 current year, within thirty days of receipt of said request. However,  
3 requests submitted in the two thousand fourteen calendar year shall be  
4 provided as soon as practicable, but no later than the first of Septem-  
5 ber, two thousand fourteen, or within thirty days after said request if  
6 request is submitted on or after the first of August, two thousand four-  
7 teen.

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

56 § 2. This act shall take effect immediately.