

# STATE OF NEW YORK

8507

## IN ASSEMBLY

January 4, 2024

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to health care claims data from the Empire Plan; and to amend a chapter of the laws of 2023, amending the civil service law relating to certain reports relating to health benefits for state and retired state employees, as proposed in legislative bills numbers S. 4097-B and A. 5817-A, in relation to the effectiveness thereof

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

1 Section 1. Paragraph (b) of subdivision 9 of section 162 of the civil  
2 service law, as added by a chapter of the laws of 2023, amending the  
3 civil service law relating to certain reports relating to health bene-  
4 fits for state and retired state employees, as proposed in legislative  
5 bills numbers S. 4097-B and A. 5817-A, is amended to read as follows:

6 (b) (i) As soon as practicable, but not later than December first of  
7 each year, the department shall collect and analyze health care claims  
8 data from the Empire Plan, or its successor, to develop, and make  
9 publicly available, a New York state health benefit plan hospital pric-  
10 ing report. [~~The president must collect health care claims data from~~  
11 ~~both health insurers and health maintenance organizations relating to~~  
12 ~~the "in-network negotiated rate" as such term is defined in, and limited~~  
13 ~~by, the transparency in coverage final rule or successor federal law, as~~  
14 ~~prepared for machine-readable files, as likewise defined by the trans-~~  
15 ~~parency in coverage final rule or successor federal law, and utilization~~  
16 ~~of hospital services by active employees, retired employees, and their~~  
17 ~~dependents receiving benefits from the prior state fiscal year, in~~  
18 ~~accordance with provisions under this article] Such report shall exclude  
19 optional benefit plan health care claims data and claims for Medicare  
20 primary individuals. The report[, ~~which shall not identify the plan by~~  
21 ~~name,~~] shall include, but not be limited to, a comparative analysis of  
22 actual hospital in-network [~~negotiated rates~~] allowed amounts and out-  
23 of-network allowed amounts[, ~~as such terms are defined in this para-~~  
24 ~~graph, by the plan,~~] for each hospital facility located in the state of~~

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

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1 New York identified by name and CMS certification number (CCN) or  
2 successor identifier, based on the following service categories: [~~(i)~~]  
3 (A) inpatient hospital, [~~(ii)~~] (B) outpatient hospital, [~~(iii)~~] (C)  
4 emergency room services, and [~~(iv)~~] (D) physician services provided [~~at~~  
5 the hospital] (1) during an inpatient hospital admission and (2) as part  
6 of an outpatient visit or in connection with the provision of emergency  
7 room services, except to the extent that the department determines that  
8 the analysis of physician services is not technically feasible and  
9 explains the basis for such determination.

10 (ii) The report shall also include the in-network [~~negotiated rate~~  
11 allowed amount and out-of-network allowed amount per service [~~as such~~  
12 terms are defined in this paragraph] per hospital facility on the top  
13 twenty services by volume within each of the following service catego-  
14 ries: (A) inpatient, (B) outpatient, (C) emergency room services, and  
15 (D) physician services provided (1) during an inpatient hospital admis-  
16 sion and (2) as part of an outpatient visit or in connection with the  
17 provision of emergency room services, except to the extent that the  
18 department determines that the analysis of physician services is not  
19 technically feasible and explains the basis for such determination at  
20 [the] each hospital located in the state of New York. The report shall  
21 compare, to the best of the department's ability, the in-network [~~nego-~~  
22 tiated rates] allowed amounts and out-of-network allowed amounts [~~to the~~  
23 process] for similar services reimbursed under title eighteen of the  
24 social security act. Such report shall also include a comprehensive  
25 analysis of the prior [~~five] two~~ years of hospital in-network [~~negoti-~~  
26 ated rates] allowed amounts and out-of-network allowed amounts for such  
27 services to [~~establish] illustrate~~ trends in hospital prices. The report  
28 shall also include an all-plan aggregated total yearly spend by hospital  
29 facility identified by name and CMS certification number (CCN) or  
30 successor identifier. In preparing the report, the president shall take  
31 appropriate steps to ensure that individual insurer's or health plan's  
32 confidential proprietary pricing information is maintained as confiden-  
33 tial to the extent permissible by law. Such report shall be delivered to  
34 the legislative fiscal committees, the chairs of the legislative health  
35 care committees, the chair of the senate civil service and pensions  
36 committee, and the chair of the assembly committee on governmental  
37 employees, on or before December thirty-first of each year, and such  
38 report shall be posted on the department's website no later than January  
39 first of the following calendar year. For purposes of this subdivision,  
40 "health care claims data" means any hospital claims [~~for inpatient,~~  
41 outpatient, or ambulatory surgical services or other services normally]  
42 paid by the [~~third-party payer] health benefit plan, or its designee,~~  
43 for the service categories listed in this subdivision on form UB-04 or  
44 successor forms, with UB-04 being the billing form identified by the  
45 Centers for Medicare and Medicaid Services.

46 § 2. Section 2 of a chapter of the laws of 2023, amending the civil  
47 service law relating to certain reports relating to health benefits for  
48 state and retired state employees, as proposed in legislative bills  
49 numbers S. 4097-B and A. 5817-A, is amended to read as follows:

50 § 2. This act shall take effect [~~immediately] January 1, 2024.~~

51 § 3. This act shall take effect immediately; provided, however, that  
52 section one of this act shall take effect on the same date and in the  
53 same manner as a chapter of the laws of 2023, amending the civil service  
54 law relating to certain reports relating to health benefits for state  
55 and retired state employees, as proposed in legislative bills numbers S.  
56 4097-B and A. 5817-A, takes effect.