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:

Section 1. Paragraph (b) of subdivision 9 of section 162 of the civil service law, as added by 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, is amended to read as follows:

(b) **(i)** As soon as practicable, but not later than December first of each year, the department shall collect and analyze health care claims data **from the Empire Plan, or its successor,** to develop, and make publicly available, a New York state health benefit plan hospital pricing report. [~~The president must collect health care claims data from both health insurers and health maintenance organizations relating to the "in-network negotiated rate" as such term is defined in, and limited by, the transparency in coverage final rule or successor federal law, as prepared for machine-readable files, as likewise defined by the transparency in coverage final rule or successor federal law, and utilization of hospital services by active employees, retired employees, and their dependents receiving benefits from the prior state fiscal year, in accordance with provisions under this article~~] **Such report shall exclude optional benefit plan health care claims data and claims for Medicare primary individuals**. The report[~~, which shall not identify the plan by name,~~] shall include, but not be limited to, a comparative analysis of actual hospital in-network [~~negotiated rates~~] **allowed amounts** and out-of-network allowed amounts[~~, as such terms are defined in this paragraph, 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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New York identified by name and CMS certification number (CCN) or successor identifier, based on the following service categories: [~~(i)~~] (A) inpatient hospital, [~~(ii)~~] (B) outpatient hospital, [~~(iii)~~] (C) emergency room services, and [~~(iv)~~] (D) physician services provided [~~at the hospital~~] (1) during an inpatient hospital admission and (2) as part of an outpatient visit or in connection with the provision of emergency room services, except to the extent that the department determines that the analysis of physician services is not technically feasible and explains the basis for such determination.

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

§ 2. Section 2 of 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, is amended to read as follows:

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

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as 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, takes effect.