

STATE OF NEW YORK

5909--A

2023-2024 Regular Sessions

IN SENATE

March 22, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the tax law, in relation to establishing a pilot hospital medical debt relief program

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

Section 1. Short title. This act shall be known and may be cited as the "hospital medical debt relief act".

§ 2. Article 2 of the public health law is amended by adding a new title 2-G to read as follows:

TITLE 2-G

HOSPITAL MEDICAL DEBT RELIEF PROGRAM

Section 245. Definitions.

246. Hospital medical debt relief program.

§ 245. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Eligible resident" means an individual that meets the following conditions:

(a) is a resident of the state;

(b) has a household income at or below four hundred percent of the federal poverty guidelines or has hospital-based medical debt equal to five percent or more of the individual's household income; and

(c) has had hospital medical debt relieved under this program.

2. "General hospital medical debt" means an obligation or an alleged obligation of an eligible resident to pay any amount whatsoever related to the receipt of health care services, products, or devices provided to a person by a general hospital licensed under article twenty-eight of the public health law or a health care professional authorized under

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

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1 title eight of the education law who practices within a hospital, wheth-
2 er or not such obligation has been reduced to judgment.

3 § 246. Hospital medical debt relief program. 1. The commissioner shall
4 establish a three-year pilot program to provide hospital medical debt
5 relief to eligible residents in the state.

6 2. Within amounts appropriated therefor, the commissioner shall
7 contract with a not-for-profit organization to identify and cancel the
8 hospital medical debt owed by eligible residents to hospitals and their
9 contracted providers located within the state, to the extent possible.
10 Such not-for-profit organization shall enter into agreements with gener-
11 al hospitals in the state to identify eligible residents utilizing
12 patient data provided by such participating hospitals including, demo-
13 graphic information, residents' zip codes, insurance status and payer,
14 dates of service, balances still owed, and other information necessary
15 to identify an eligible resident. The not-for-profit organization shall
16 retire such eligible residents' hospital medical debt by acquiring such
17 debt through purchase or receipt as a donation from a participating
18 general hospital and then cancelling such debt. Any such purchase of
19 hospital medical debt shall be for an amount at or below the fair market
20 value of such debt. All data sharing shall comply with the provisions of
21 the federal health insurance portability and accountability act and any
22 other applicable state or federal law.

23 3. To the extent possible, for general hospitals that have entered
24 into an agreement under the program, priority shall be given: (a) to
25 eligible residents whose debt is eighteen months or older; and/or (b)
26 who resides in the lowest-income zip codes.

27 4. The not-for-profit organization shall also notify each eligible
28 resident who has had a debt cancelled pursuant to the provisions of this
29 section that their specific hospital medical debt has been cancelled
30 and that the debt cancelation does not lead to income tax liabilities
31 for program recipients. Such notice shall include a copy of the hospi-
32 tal's financial assistance application and policy pursuant to section
33 twenty-eight hundred of this chapter.

34 5. Once a hospital medical debt has been cancelled, the participating
35 general hospital or their third party agent, that reported the hospital
36 medical debt to the credit reporting agencies, shall inform the credit
37 reporting agencies of such cancellation to ensure that the debt has been
38 removed from an eligible recipient's credit report.

39 6. The not-for-profit organization shall conduct an outreach program
40 to have discussions with general hospitals about the benefits of the
41 hospital medical debt relief program to patients, communities and to the
42 hospitals themselves. Such outreach shall first be initiated with
43 enhanced safety net hospitals as defined in section twenty-eight hundred
44 seven-c of this chapter.

45 7. The not-for-profit organization shall, in consultation with the
46 department report annually on the progress and success of the hospital
47 medical debt relief program established pursuant to this section to the
48 governor and the temporary president of the senate, the speaker of the
49 assembly, the department, and the chair of the senate committee on
50 health and the chair of the assembly committee on health. Such report
51 shall be published and publicly available on the department's website.
52 Such report shall include but not be limited to:

53 (a) the amount of hospital medical debt purchased and discharged under
54 the program;

55 (b) the number of eligible residents who received relief under the
56 program;

1 (c) to the extent practicable the characteristics of the eligible
2 residents;

3 (d) the number of individual debts purchased;

4 (e) total number of eligible residents by zip code;

5 (f) the number of individual debts purchased by zip code;

6 (g) the number of individual debts canceled by county separated by the
7 federal poverty line as defined and annually revised by the United
8 States department of health and human services for a household of the
9 same size, as follows: (i) two hundred percent and below, (ii) above two
10 hundred percent up to three hundred percent, (iii) above three hundred
11 percent up to four hundred percent, (iv) above four hundred percent; and

12 (h) any other data or information requested by the department and that
13 can be included pursuant to applicable laws and regulations and within
14 budgeted resources.

15 8. The commissioner shall promulgate any rules and regulations neces-
16 sary for the implementation of this section.

17 § 3. Subsection (i) of section 601 of the tax law is relettered
18 subsection (j) and a new subsection (i) is added to read as follows:

19 (i) Hospital medical debt relief. Notwithstanding the provisions of
20 subsections (a), (b), (c) and (d) of this section and any other
21 provision of this article, for taxable years beginning after the effec-
22 tive date of this subsection, the income of an individual received
23 pursuant to the provisions of section two hundred forty-six of the
24 public health law in the form of debt cancelation shall be exempt from
25 tax under this article regardless of whether such income is subject to
26 federal income taxation.

27 § 4. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law. Effective immediately, the addition, amend-
29 ment and/or repeal of any rule or regulation necessary for the implemen-
30 tation of this act on its effective date are authorized to be made and
31 completed on or before such effective date.