

# STATE OF NEW YORK

8124

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sen. ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to circumstances under which a consumer may be subject to a new special open enrollment period to choose a new health insurance plan

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

1 Section 1. Paragraphs 4 and 5 of subsection (b) of section 3217 of the  
2 insurance law are amended and a new paragraph 6 is added to read as  
3 follows:

4 (4) elimination of provisions which may be contrary to the health care  
5 needs of the public, as certified to the superintendent by the commis-  
6 sioner of health; [~~and~~]

7 (5) elimination of coverages which are so limited in scope as to be of  
8 no substantial economic value to the holders[~~-~~]; and

9 (6) provision of reasonable circumstances under which, if a contract  
10 is severed with one or more of a consumer's existing health care provid-  
11 ers upon no fault of such consumer, then a new special open enrollment  
12 period shall commence to allow such consumer an opportunity to choose a  
13 new health insurance plan that may allow for continuity of care with an  
14 existing health care provider; provided that such health insurance poli-  
15 cy or contract shall not impose a fee or other penalty for special  
16 enrollment of such consumer; and provided further that upon enrollment,  
17 coverage shall be effective no later than fourteen days after such  
18 consumer purchases such new health insurance policy.

19 § 2. Subsections (l), (m), (n) and (o) of section 4306 of the insur-  
20 ance law, subsection (n) as added by chapter 237 of the laws of 2009 and  
21 subsection (o) as amended by chapter 29 of the laws of 2023, are amended  
22 and a new subsection (p) is added to read as follows:

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

LBD13120-01-5

1 (l) if the contract contains any provision purporting to make any  
2 portion of the articles, constitution or by-laws of the corporation a  
3 part of the contract, such portion shall be set forth in full; [~~and~~]

4 (m) in every such contract made, issued or delivered in this state  
5 there shall be a brief description of the contract on its first page and  
6 on its filing back[~~+~~];

7 (n) a statement that a health care claim from a subscriber shall be  
8 submitted within one hundred twenty days from the date of service;  
9 provided, however, that if it was not reasonably possible for the  
10 subscriber to submit the claim within that timeframe, then the claim  
11 shall be submitted as soon as reasonably possible[~~+~~];

12 (o) Space shall be provided on any enrollment, renewal or initial  
13 online portal process setup forms required of a subscriber or applicant  
14 for coverage, except forms issued by the NY State of Health, the offi-  
15 cial Health Plan Marketplace, other than those specifically referenced  
16 in subparagraph (iv) of paragraph (a) of subdivision five of section  
17 forty three hundred ten and paragraph (v) of subdivision one of section  
18 two hundred six of the public health law, so that the subscriber or  
19 applicant for coverage shall register or decline registration in the  
20 donate life registry for organ, eye and tissue donations under this  
21 section of the enrollment, renewal or initial online portal process  
22 setup forms and that the following is stated on the form in clear and  
23 conspicuous type:

24 "You must fill out the following section: Would you like to be added  
25 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
26 tion'."; and

27 (p) a statement that if a contract is severed upon no fault of the  
28 consumer, that a special open enrollment period shall be allowed pursu-  
29 ant to paragraph six of subsection (b) of section thirty-two hundred  
30 seventeen of this chapter.

31 § 3. This act shall take effect immediately; provided, however, that  
32 if chapter 29 of the laws of 2023 shall not have taken effect on or  
33 before such date then the amendments to subsection (o) of section 4306  
34 of the insurance law made by section two of this act shall take effect  
35 on the same date and in the same manner as such chapter of the laws of  
36 2023, takes effect.