STATE OF NEW YORK

10855

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the oversight of health programs act

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 "oversight of health programs act".

§ 2. The public health law is amended by adding a new article 49-B to read as follows:

ARTICLE 49-B

OVERSIGHT OF HEALTH PROGRAMS

Section 4930. Definitions.
4931. Record requests.
4932. Trade secrets.
4933. Contract terms

§ 4930. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Vendor" shall mean any entity that has a direct or indirect contractual obligation with the state for the delivery of any good or service.

2. "Publicly subsidized health program" shall include:

(a) child health plus;

(b) Medicaid;

(c) Medicare;

(d) basic health program;

(e) qualified health plans provided through New York state of health; and

(f) any healthcare services provided through a successor program, or an associated federal waiver to any of the programs identified by this subdivision.

3. "Records" shall include, but not be limited to, books, accounts, journals, ledgers, communications, manuals, rates, fees, analysis, fiscal modeling, claiming instructions, or contractual agreements.

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

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4. "Trade secret" shall mean all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, codes, or other information that:

(a) has independent economic value, actual or potential, from not being generally known, and not being readily ascertainable by proper means, by other persons who can obtain private economic value from its disclosure or use; and

(b) the owner thereof has taken reasonable measures to keep such information secret.

§ 4931. Record requests. 1. Notwithstanding any other provision of law to the contrary, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on health, the chair of the assembly health committee, the chair of the senate standing committee on investigations and government operations, or the chair of the assembly oversight, analysis and investigation committee may request and shall receive records related to any vendor contracted with the state to facilitate in the administration or delivery of any publicly subsidized health program in accordance with the provisions of this article. Such record request must also include a reference to this article of law.

2. Such records may be requested and received by the commissioner, or the vendor.

3. A records request pursuant to this section shall not be overly broad in its nature.

4. Records requested pursuant to this section shall be transmitted to the requesting party within ten business days of the request, not counting the business day it was requested.

5. If the commissioner or a vendor that was the recipient of such a records request is unable to produce the records requested within ten business days, they shall notify the requesting party in writing as soon as practicable and provide an explanation as to why they are unable to produce such materials within such timeframe.

6. If the commissioner of health or a vendor has failed to produce such records within a total of twenty business days of the original request, not counting the business day it was requested, they shall notify the requesting party in writing as soon as practicable and provide a written explanation as to why they remain unable to produce such materials; provided, however, that such notification shall also be forwarded to either the temporary president of the senate, or the speaker of the assembly, depending on which house of the legislature the request originated from, if they were not the party that initiated the records request.

7. The party requesting records, or the temporary president of the senate or the speaker of the assembly, depending on which house of the legislature the request originated from, may grant the commissioner or vendor an extension to meet the records request. Such extension shall not exceed a total of forty business days from the date of the original request, not counting the business day it was requested.

§ 4932. Trade secrets. 1. The vendor shall be responsible for identifying if all or a portion of the records requested are considered a trade secret including a brief description of why such records, or a portion thereof, meet the definition of a trade secret pursuant to this article.

2. If the records were requested from the commissioner, the commissioner shall be responsible for having the vendor review and identify such trade secrets.

3. Any records, or a portion thereof, that meet the definition of a trade secret pursuant to this article shall be considered confidential and shall not be disclosed by the party that has received such trade secret as part of a request made pursuant to subdivision one of section forty-nine hundred thirty-one of this article, except as authorized or required by applicable state or federal law.

§ 4933. Contract terms. Any contract with a vendor made after the effective date of this article shall include explicit provisions related to record requests pursuant to this article and required compliance, provided however that such provisions may be included through a rider or addendum to such contract.

§ 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all contracts entered into, renewed, modified or amended on or after such effective date; provided, however, that the provisions of this act shall additionally apply to all contracts existing on such effective date where such existing contracts do not contain terms contrary to the provisions of article 49-B of the public health law as added by section two of this act.