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:

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

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

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

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

§ 2. Subsections (l), (m), (n) and (o) of section 4306 of the insurance law, subsection (n) as added by chapter 237 of the laws of 2009 and subsection (o) as amended by chapter 29 of the laws of 2023, are amended 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.

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

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

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

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

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'."**; and**

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

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