*** § 1122. New York state health insurance continuation assistance demonstration project.** (a) Definitions. For the purposes of this section, unless the context clearly requires otherwise:

(1) "Continuation assistance" means payments made by the superintendent to an eligible individual, a health plan or insurer, a participating employer, or a labor-management health benefits fund to allow an eligible individual to obtain or maintain continuation coverage.

(2) "Continuation coverage" means group health insurance coverage which a participating employer or labor-management health benefits fund is obligated to offer to an individual pursuant to the 1985 Consolidated Omnibus Budget Reconciliation Act (COBRA), as amended by the Tax Reform Act of 1986, or continuation provisions pursuant to subsection (m) of section three thousand two hundred twenty-one, subsection (k) of section four thousand three hundred four or subsection (e) of section four thousand three hundred five of this chapter.

(3) "Displaced worker" means an individual that is a resident of New York state and has been terminated or has received a notice of termination as a result of increased imports from, or shifts in production to, foreign countries as described in the Trade Act programs, Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA).

(4) "Eligible individual" means a person who is an entertainment industry employee or displaced worker and who:

(A) is not eligible for health insurance coverage or medical benefits pursuant to part A or B of title XVIII of the Social Security Act or title eleven of article five of the social services law;

(B) is eligible for or is currently enrolled under continuation coverage (and, with respect to an entertainment industry employee, is eligible for or enrolled under continuation coverage through a collectively bargained plan covering entertainment industry employees), where such eligible individual is not covered under continuation already subsidized through continuation assistance pursuant to the public health law;

(C) resides in a household having a gross monthly household income at or below four hundred percent of the non-farm federal poverty level (as defined and updated by the federal department of health and human

services);

(D) is not eligible for employer provided coverage; and

(E) maintains the same level of insurance coverage as when they were employed.

(5) "Entertainment industry employee" means an individual who is a resident of New York state and is employed in the entertainment industry, as defined by the commissioner, including, but not limited to, the film, motion picture, television, theater, music, music recording, dance, radio, and circus industries.

(6) "Individual payment" means the amount of premium required for continuation coverage, less the amount of a continuation assistance payment made by the superintendent, to be paid by an eligible individual.

(7) "New York state health insurance continuation assistance demonstration project" means the pilot program for the entertainment industry employees and the pilot program for displaced workers.

(8) "Participating employer" means an employer who is obligated to continue coverage for an eligible individual pursuant to the 1985 Consolidated Omnibus Budget Reconciliation Act (COBRA), or subsection (m) of section three thousand two hundred twenty-one, subsection (k) of section four thousand three hundred four, or subsection (e) of section four thousand three hundred five of this chapter.

(9) "Pilot program for displaced workers" means the program which assists eligible individuals who are displaced workers in obtaining or maintaining continuation coverage pursuant to this section.

(10) "Pilot program for entertainment industry employees" means the program which assists eligible individuals who are entertainment industry employees in obtaining or maintaining continuation coverage pursuant to this section.

(b) Pilot program for entertainment industry employees. (1) The pilot program for entertainment industry employees shall assist eligible individuals who are entertainment industry workers in maintaining or obtaining continuation coverage.

(2) An eligible individual may apply to the superintendent for continuation assistance by submitting an application therefor on a form prescribed by the superintendent. The information required on the application shall include, but not be limited to:

(A) the name and address of the entertainment industry employee;

(B) the name, address, and telephone number of the participating employer;

(C) the date the eligible individual became or will become eligible for continuation coverage, the date such eligibility ends, and, when available, correspondence to an entertainment industry employee from a labor-management health benefits fund proving eligibility;

(D) the names of all dependents who are covered or are to be covered under the continuation policy; and

(E) documentation establishing the household income of an eligible individual, which may include annual income tax returns and, if not prohibited by federal law for purposes of income verification, social security numbers, paycheck stubs, written documentation of income from all employers, or such other documentation as the superintendent may require.

(3) The superintendent shall review the applications and advise the applicants as to their eligibility to participate in the pilot program. Within amounts available for such purpose, the superintendent shall provide continuation assistance. Such assistance shall be issued, to the extent of funds available therefor, which is equivalent to seventy-five percent of the premium for the period covered by such assistance. Continuation assistance shall not be provided for more than twelve months within a five-year period.

(4) In approving applications from eligible individuals, the superintendent shall:

(A) make a determination as to the extent of available funds for the pilot program so as to assure, to the extent possible, that the funding will be available to provide continuation assistance to the applicant in an amount equal to seventy-five percent of the premium for a period of twelve months within five years; if the superintendent determines that such funding may not be available due to the level of enrollment in the pilot program at the time of the eligible individual's application, the superintendent shall deny such application; and

(B) require eligible individuals who are awarded continuation assistance to sign an acknowledgement that recipients who later become eligible for health insurance coverage through another employer are no longer eligible to receive assistance under this section and that the

state may seek to recover assistance provided after the date of such eligibility.

(5) The superintendent shall make continuation assistance payments available pursuant to this subsection directly to the collectively bargained labor-management health benefits fund on behalf of eligible individuals. The fund must provide the superintendent such information as the superintendent may reasonably require to enable the superintendent to administer the terms and conditions of the pilot program.

(6) The superintendent may promulgate rules and regulations necessary to the administration of this pilot program.

(7) The superintendent may contract with an organization to assist in the administration of this pilot program. If the superintendent deems it appropriate to utilize an organization to assist in the administration of this pilot program, the organization shall submit reports to the superintendent in such form and at such times as required by the superintendent. An organization approved to assist with program administration shall maintain records in a form prescribed by the superintendent and which shall be available for inspection by or at the request of the superintendent.

(c) Pilot program for displaced workers. (1) The pilot program for displaced workers shall assist eligible individuals who are displaced workers in maintaining or obtaining continuation coverage.

(2) An eligible individual may apply to the superintendent for continuation assistance by submitting an application therefor on a form prescribed by the superintendent. The information required on the application shall include, but not be limited to:

(A) the name and address of the displaced worker;

(B) the name, address, and telephone number of the participating employer;

(C) the date the eligible individual became or will become eligible for continuation coverage, the date such eligibility ends, and, when available, correspondence to a displaced worker from a participating employer or labor-management health benefits fund proving eligibility;

(D) the names of all dependents who are covered or are to be covered under the continuation policy; and

(E) documentation establishing the household income of an eligible

individual, which may include annual income tax returns and, if not prohibited by federal law for purposes of income verification, social security numbers, paycheck stubs, written documentation of income from all employers, or such other documentation as the superintendent may require.

(3) The superintendent shall review the applications and advise the applicants as to their eligibility to participate in the pilot program. Within amounts available for such purpose, the superintendent shall provide continuation assistance. Such assistance shall be issued, to the extent of funds available therefor, which is equivalent to seventy-five percent of the premium for the period covered by such assistance. Continuation assistance shall not be provided for more than twelve months within a five-year period.

(4) In approving applications from eligible individuals, the superintendent shall:

(A) make a determination as to the extent of available funds for the pilot program so as to assure, to the extent possible, that the funding will be available to provide continuation assistance to the applicant in an amount equal to seventy-five percent of the premium for a period of twelve months within five years; if the superintendent determines that such funding may not be available due to the level of enrollment in the pilot program at the time of the eligible individual's application, the superintendent shall deny such application; and

(B) require eligible individuals who were awarded continuation assistance to sign an acknowledgement that recipients who later become eligible for health insurance coverage through another employer are no longer eligible to receive assistance under this section and that the state may seek to recover assistance provided after the date of such eligibility.

(5) The superintendent shall make continuation assistance payments available pursuant to this subsection directly to the individual or to the health plan or insurer, labor-management health benefits fund, or participating employer on behalf of eligible individuals. The fund or employer must provide the superintendent such information as the superintendent may reasonably require to enable the superintendent to administer the terms and conditions of the pilot program.

(6) The superintendent may promulgate rules and regulations necessary

to administer this pilot program.

(7) The superintendent may contract with an organization to assist in the administration of this pilot program. If the superintendent deems it appropriate to utilize an organization to assist in the administration of this pilot program, the organization shall submit reports to the superintendent in such form and at such times as required by the superintendent. An organization approved to assist with program administration shall maintain records in a form prescribed by the superintendent and which shall be available for inspection by or at the request of the superintendent.

(d) The superintendent shall complete a study of the New York state health insurance continuation assistance demonstration project set forth in this section. Such study shall examine the efficacy of the project in impacting the insurance marketplace in New York state and the impact of the demonstration project in reducing the large number of uninsured individuals in the entertainment industry and other industries in New York characterized by seasonal and episodic employment. The superintendent may contract with an organization for the completion of the study. The study shall be provided to the temporary president of the senate and the speaker of the assembly.

* NB Repealed July 1, 2027