§ 320. Records to be made available by organizations subject to the provisions of this chapter. (a) Every insurer shall, upon request of the state department of social services or of a local social services district for any records, or any information contained in such records, pertaining to the coverage of any individual for such individual's medical costs under any individual or group policy or other obligation made by such organizations, or the medical benefits paid by or claims made to such organizations pursuant to such policy or other obligation in accordance with the limitations of subsection (c) hereof, make the requested records or information available upon a certification by the department of social services or the social services district that such individual is an applicant for or recipient of medical assistance, or is a person who is legally responsible for such an applicant or recipient, pursuant to the social services law.

(b) The superintendent and the commissioner of the state department of social services shall enter into a cooperative agreement setting forth mutually agreeable procedures for requesting and furnishing appropriate information, not inconsistent with any law pertaining to the confidentiality and privacy of records, which procedures shall include financial arrangements as may be necessary to reimburse insurers for necessary costs incurred in furnishing requested information, and the time and manner such procedures are to become effective. Such procedures may be added to a new cooperative agreement which shall supersede the agreement currently in existence between the superintendent and the commissioner of social services.

(c) The department of social services or a local social services district shall request only that information necessary to determine whether any insurance benefits have been or should have been claimed and paid with respect to items of medical care and services received by a particular individual for which medical assistance coverage would otherwise be available.

(d) Not later than the date upon which the procedures agreed to pursuant to subsection (b) hereof become effective, the superintendent shall establish guidelines to assure that information relating to an individual certified to be an applicant for or recipient of medical assistance, furnished to any insurer, is used only for the purpose of identifying the records or information requested in such manner so as

not to violate the confidentiality provisions of the social services law.

(e) (1) Every insurer shall, upon request of an authorized representative of the state office of temporary and disability assistance, or a social services district child support enforcement unit established pursuant to section one hundred eleven-c of the social services law, enter into an agreement with the state office of temporary and disability assistance or a social services district to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each such insurer, pension fund, retirement system or other organization shall provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each individual who maintains a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account at such institution and who owes past-due support, as identified by the state office of temporary and disability assistance or a social services district child support enforcement unit by name and social security number or other taxpayer identification number. Nothing herein shall be deemed to limit the authority of a local social services district support collection unit pursuant to section one hundred eleven-h of the social services law.

(2) No insurer which discloses information pursuant to paragraph one of this subsection, or discloses any financial record to the state office of temporary and disability assistance or a social services district child support enforcement unit for the purpose of enforcing a child support obligation of such person, shall be liable under any law to any person for such disclosure, or for any other action taken in good faith to comply with paragraph one of this subsection.

(f) "Insurer", as used in this section, means:

(1) (i) an insurer required to be licensed to do an insurance business in this state under this chapter, including a corporation subject to article forty-three or forty-seven of this chapter;

(ii) a pension fund, retirement system or other organization required by law to make reports to, or which is subject to examination by, the superintendent;

(iii) a health maintenance organization subject to article forty-four

of the public health law; or

(iv) a self-funded plan or any other insurer with respect to any medical claim or benefit of a resident of this State; and

(2) any person or other entity acting on behalf of an insurer as described in paragraph one of this subsection with respect to any medical claim or benefit of a resident of this State.