



## Legislation Text

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### Int. No. 13-A

By Council Members Moskowitz, the Speaker (Council Member Miller), Quinn, Katz, Liu, Reed, Rivera, Brewer, Clarke, Sears, Stewart, Vann, Reyna, Weprin, Gioia and Oddo; also Council Member Comrie

A Local Law to amend the administrative code of the city of New York and the New York city charter, in relation to the publication and distribution of materials detailing public health insurance options.

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. Despite the availability of public health insurance programs such as Medicaid, Child Health Plus and Family Health Plus, recent estimates suggest that close to one million low-income New Yorkers eligible to be insured under such programs remain uninsured. The Council finds that, in addition to compromising the health and well-being of uninsured individuals, lack of health insurance coverage frequently results in the unwarranted use of emergency room services, particularly in the City's public hospital system. This use of emergency rooms as a locus of essentially "primary care" services produces inflated costs for those services that are rendered -- costs that are ultimately borne by taxpayers and the unnecessary use of charity pools. Therefore, in an effort to ensure the health and well-being of New Yorkers, as well as an attempt to advance a more efficient and appropriate use of resources, it is the intention of the Council to ensure that all New Yorkers eligible to receive public health insurance coverage do in fact receive such coverage. To this end, the Council is requiring that the Department of Public Health publish and that certain City agencies distribute a pamphlet describing public health insurance options. The publication and distribution of this pamphlet will help inform uninsured New Yorkers that they may be eligible for public health insurance and will facilitate their access to such coverage.

§2. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-183, to read as follows:

§ 17-183 Publication and dissemination of public health insurance program options. The department shall develop a pamphlet containing information regarding the availability of public health insurance programs. At a minimum, such pamphlet shall include: (i) the name and a brief description of each public health insurance program available to New York city residents; and (ii) appropriate telephone numbers to obtain enrollment information for such programs. Such pamphlet shall be produced annually and shall be printed in multiple languages, including, but not limited to, English, Spanish, Chinese, Russian, Yiddish, Korean, and Haitian-Creole, and shall be made available to any member of the public upon request.

§3. Chapter forty-seven of the charter of the city of New York is amended to add a new section 1069 to read as follows:

§ 1069 Access to public insurance coverage information. a. Pursuant to the provisions of this section, each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of the public health insurance program options pamphlet published by the department of public health pursuant to section 17-183 of the administrative code of the city of New York. The following offices are hereby designated as participating agencies: the administration for children's services, the board of education, the city clerk, the commission on human rights, the department for the aging, the department of correction, the department of employment, the department of homeless services, the department of housing preservation and development, the department of juvenile justice, the department of public health, the department of probation, the department of social services/human resources administration, the taxi and limousine commission, the department of youth and community development, the office to combat domestic violence, and the office of immigrant affairs; provided, however, that the department of public health, as it deems appropriate, may designate additional agencies to be participating agencies.

b. Participating agencies shall be required to: (i) distribute such public health insurance program options

pamphlet to all persons requesting a written application for services, renewal or recertification of services or request for a change of address relating to the provision of services by such agency; provided, however, that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health or safety of any individual or to the public; (ii) include a public health insurance program options pamphlet with any agency communication sent through the United States mail for the purpose of supplying an individual with a written application for services, renewal or recertification of services or with a request for a change of address form relating to the provision of services by such agency; and (iii) provide an opportunity for an individual requesting a written application for services, renewal or recertification for services or change of address form relating to the provision of services by such agency via the Internet to request a public health insurance program options pamphlet, and provide such pamphlet, by United States mail or an Internet address where such pamphlet may be viewed or downloaded, to any person who indicates via the Internet that they wish to be sent a public health insurance program options pamphlet; provided, however, that the taxi and limousine commission shall only be required to distribute the public health insurance program options pamphlet to those persons applying for or renewing a driver's license or vehicle license as those terms are defined in section 19-502 of this code; and provided further, that the board of education shall be required only to ensure that the public health insurance program options pamphlet is distributed to those individuals who appear in person to register a child in the public school system.

c. Participating agencies shall ensure that the employees of such agency do not make any statement to an applicant for services or client or take any action the purpose or effect of which is to lead the applicant or client to believe that a decision to request public health insurance or a public health insurance program options pamphlet has any bearing on their eligibility to receive or the availability of services or benefits provided by such agency.

d. Each participating agency shall request that any contractor of such agency operating pursuant to a contract which (i) is in excess of two hundred and fifty thousand dollars and (ii) requires such contractor to

supply individuals with a written application for, or written renewal or recertification of services, or request for change of address form in the daily administration of their contractual obligation to such participating agency, fulfill the obligations of participating agencies under this section.

e. Each participating agency may establish procedures as they deem necessary to implement the local law that added this section. The commissioner or head of a participating agency, with the concurrence of the commissioner of the department of public health, may exclude a program in whole or in part from the requirements of this section upon determining that the inclusion of such a program would not substantially further the purpose of the local law that added this section. The commissioner or head of each participating agency that administers programs receiving funds under the workforce investment act of 1998, as codified at 29 U.S.C. § 2801 et seq., shall, with the concurrence with the commissioner of the department of public health, determine which workforce investment act offices providing workforce development services, including core and intensive services or substantive training funded in whole or in part by the city's share of funds provided under such workforce investment act, shall be required to fulfill the obligations of participating agencies under this section; such determination shall be based upon whether the inclusion of such offices would substantially further the purpose of the local law that added this section. A copy of each determination made pursuant to this subdivision shall be forwarded to the council and the mayor within thirty days of such determination.

§4. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§5. Effective date. This local law shall take effect one hundred and eighty days after its enactment; provided, however, that section three of this local law shall have no further force or effect and shall be deemed repealed on October 1, 2005. Actions necessary to prepare for the implementation of this local law may be taken prior to its effective date.

