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Memorandum of Support

Codify the New York State Consumer Assistance Program S.5145(Rivera)

An ACT to amend the insurance law, in relation to the designation of an independent health consumer assistance program.

Empire Justice Center is a statewide legal services organization that provides representation to low income individuals, as well as classes of New Yorkers, in a wide range of poverty law areas including health. We also provide support and training to legal services and other community based organizations, undertake policy research and analysis, and engage in legislative and administrative advocacy. We support S. 5145, which would require the Superintendent of Insurance, in consultation with the Commissioner of Health, to designate a New York State Independent Consumer Assistance Program (CAP) to assist consumers with navigating our daunting and complex health care system.

Consumer Assistance Programs (CAP) are established in the Affordable Care Act (ACA) under Section 1002 to provide healthcare advocacy to consumers. Because issues around health insurance are so complex, and many enrollees are either enrolling on their own or are working for small employers without human resource departments, they do not have one-on-one assistance for enrollment. When post-enrollment issues arise, consumers often need help with prior approvals, appeals, filing complaints or grievances. CAP programs provide health literacy assistance with all of these matters, no matter what type of insurance they have and at no cost to the consumer. New York's CAP, "Community Health Advocates" annually assists 30,000 New Yorkers throughout the state via a network of community-based organizations, saving patients a total of \$30 million since its establishment under the ACA in 2010.

Codification of S. 5145 would secure educational, navigational, and appeals assistance with their health insurance and healthcare by ensuring that all insurance consumers receive notice of this valuable service on their health plan notices. A similar ombudsman program was established for consumers with mental health and substance use disorders and codified at

33.27 of the Mental Health Law. This bill would extend these services to all insured New Yorkers, regardless of their health status or type of insurance.

For these reasons, Empire Justice Center strongly urges enactment of this bill.

This memorandum was prepared by:

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