



March 18, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Senator Dean G. Skelos
Senate Republican Conference Leader
909 Legislative Office Building
Albany, NY 12247

Senator Jeffrey A. Klein
Independent Democrat Conference Leader
913 Legislative Office Building
Albany, NY 12247

Assembly Speaker Sheldon Silver
932 Legislative Office Building
Albany, NY 12248

Re: Opposition to 2013-14 New York State Budget (S.2606-C, Part E - Out of Network Coverage)

Dear Governor Cuomo and Legislative Leaders:

Throughout the past two years, as a result of your leadership, we have accomplished a great deal in New York State – resulting in the enactment of numerous pro-jobs, pro-business and pro-taxpayer initiatives. As the state continues its recovery, we remain committed to working with you on policies that make New York a great place to live, work and raise a family.

Unfortunately, we write to you to express our strong opposition to a provision included within the Senate’s one house budget proposal (S.2606-C, Part E), which would require health insurers to reimburse out-of-network providers at a minimum amount equal to an arbitrary percentile of the provider’s usual and customary charges (the amount they decide to charge).

Moreover, the undersigned organizations have consistently opposed previous out-of-network proposals, and included last year’s bill, (S.5068-A/A.7489-B) as a priority in 2012’s “Small Business Day” at the Capitol.

As you are acutely aware, the cost of health insurance remains among the highest, if not the number one concern among New York's taxpayers and the small business community. At a time when small businesses and individuals can barely afford health insurance and are bracing for the impact of federal health care reform, the Senate has decided to arbitrarily increase payments to doctors on the backs of the insured population.

New York State's consumers currently have the ability to choose health plans with out-of-network benefits and rates they feel are best suited for their individual health care needs and affordability. This plan would eliminate many of these options by mandating that out-of-network rates be based on the provider's own charges and at the excessive 80th percentile of UCR.

We are exceedingly apprehensive that this plan could result in making private health care coverage less available and affordable for businesses and their employees – possibly forcing some employers to drop their private health insurance. With an estimated 2,198,934 New Yorkers, or 11.5 percent of the state's population under age 65, without health insurance coverage in 2010, the Senate's path is the wrong approach for New York.

Our organizations, along with the taxpayers and businesses that we represent **strongly oppose this measure and request that it be removed from the 2013-14 state budget.**

Sincerely,

Associated Builders & Contractors

Buffalo Niagara Partnership

Business Council of New York State

Empire State Forest Products Association

Employer Alliance for Affordable Healthcare

New York Farm Bureau

Manufacturers Association of Central New York

National Federation of Independent Business

New York Association of Convenience Stores

New York State Builders Association

New York State Motor Truck Association

Unshackle Upstate

cc: Members of the New York State Senate
Members of the New York State Assembly