

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the effectiveness of mental health parity; and to amend the insurance law, in relation to post traumatic stress disorder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 7.09 of the mental hygiene law is amended by adding
2 a new subdivision (k) to read as follows:
3 (K) THE COMMISSIONER SHALL CONSULT WITH AND ASSIST THE SUPERINTENDENT
4 OF INSURANCE ON THE STUDY REQUIRED UNDER SUBDIVISION A OF SECTION SEVEN
5 OF CHAPTER SEVEN HUNDRED FORTY-EIGHT OF THE LAWS OF TWO THOUSAND SIX TO
6 DETERMINE THE EFFECTIVENESS OF MENTAL HEALTH PARITY. THE COMMISSIONER
7 MAY INCLUDE WITHIN THE STUDY ANY ADDITIONAL FINDINGS THAT HE OR SHE
8 SHALL DEEM APPROPRIATE.
9 S 2. Clause (ii) of subparagraph (B) of paragraph 5 of subsection (1)
10 of section 3221 of the insurance law, as amended by chapter 502 of the
11 laws of 2007, is amended to read as follows:
12 (ii) For purposes of this paragraph, the term "biologically based
13 mental illness" means a mental, nervous, or emotional condition that is
14 caused by a biological disorder of the brain and results in a clinically
15 significant, psychological syndrome or pattern that substantially limits
16 the functioning of the person with the illness. Such biologically based
17 mental illnesses are defined as schizophrenia/psychotic disorders, major
18 depression, bipolar disorder, delusional disorders, panic disorder,
19 obsessive compulsive disorders, bulimia, [and] anorexia, AND POST TRAU-
20 MATIC STRESS DISORDER.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00735-01-9

1 S 3. Subparagraph (B) of paragraph 2 of subsection (g) of section 4303
2 of the insurance law, as amended by chapter 502 of the laws of 2007, is
3 amended to read as follows:

4 (B) For purposes of this subsection, the term "biologically based
5 mental illness" means a mental, nervous, or emotional condition that is
6 caused by a biological disorder of the brain and results in a clinically
7 significant, psychological syndrome or pattern that substantially limits
8 the functioning of the person with the illness. Such biologically based
9 mental illnesses are defined as schizophrenia/psychotic disorders, major
10 depression, bipolar disorder, delusional disorders, panic disorder,
11 obsessive compulsive disorders, anorexia, [and] bulimia, AND POST TRAU-
12 MATIC STRESS DISORDER.

13 S 4. Subparagraph (B) of paragraph 2 of subsection (h) of section 4303
14 of the insurance law, as amended by chapter 502 of the laws of 2007, is
15 amended to read as follows:

16 (B) For purposes of this subsection, the term "biologically based
17 mental illness" means a mental, nervous, or emotional condition that is
18 caused by a biological disorder of the brain and results in a clinically
19 significant, psychological syndrome or pattern that substantially limits
20 the functioning of the person with the illness. Such biologically based
21 mental illnesses are defined as schizophrenia/psychotic disorders, major
22 depression, bipolar disorder, delusional disorders, panic disorder,
23 obsessive compulsive disorder, anorexia, [and] bulimia, AND POST TRAU-
24 MATIC STRESS DISORDER.

25 S 5. This act shall take effect on the ninetieth day after it shall
26 have become a law; provided, however, that the amendments to clause (ii)
27 of subparagraph (B) of paragraph 5 of subsection (l) of section 3221 of
28 the insurance law made by section two of this act shall not affect the
29 expiration of such paragraph and shall be deemed to expire therewith;
30 provided, further, that the amendments to subparagraph (B) of paragraph
31 2 of subsection (g) of section 4303 of the insurance law made by section
32 three of this act shall not affect the expiration of such subsection and
33 shall be deemed to expire therewith; provided, further, that the amend-
34 ments to subparagraph (B) of paragraph 2 of subsection (h) of section
35 4303 of the insurance law made by section four of this act shall not
36 affect the expiration of such subsection and shall be deemed to expire
37 therewith; provided, further that the provisions of this act shall apply
38 to policies and contracts issued, renewed, modified, altered or amended
39 on or after such effective date.