

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

---

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to authorizing insurance coverage for equipment and supplies used for the treatment of ostomies

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

1     Section 1. Subsection (i) of section 3216 of the insurance law is  
2     amended by adding a new paragraph 26 to read as follows:  
3     (26) EVERY POLICY WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVER-  
4     AGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY  
5     WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE  
6     SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT AND SUPPLIES USED FOR  
7     THE TREATMENT OF OSTOMIES, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN  
8     OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE  
9     UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES, COLLECTION BAGS,  
10    CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY RINGS AND OSTOMY  
11    BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL  
12    PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A LIST OF ADDI-  
13    TIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE MEDICALLY  
14    NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL ALSO BE  
15    COVERAGE.  
16    S 2. Subsection (k) of section 3221 of the insurance law is amended by  
17    adding a new paragraph 15 to read as follows:  
18    (15) EVERY GROUP OR BLANKET ACCIDENT AND HEALTH INSURANCE POLICY  
19    ISSUED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL  
20    COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S  
21    OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPRE-  
22    HENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT  
23    AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES, IF RECOMMENDED OR  
24    PRESCRIBED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY

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

LBD03505-01-9

1 AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES,  
2 COLLECTION BAGS, CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY  
3 RINGS AND OSTOMY BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT  
4 OF HEALTH SHALL PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A  
5 LIST OF ADDITIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE  
6 MEDICALLY NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL  
7 ALSO BE COVERAGE.

8 S 3. Section 4303 of the insurance law is amended by adding a new  
9 subsection (u-1) to read as follows:

10 (U-1)(1) A MEDICAL EXPENSE INDEMNITY CORPORATION OR A HEALTH SERVICE  
11 CORPORATION WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR  
12 PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH  
13 PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL  
14 INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT AND SUPPLIES USED FOR THE  
15 TREATMENT OF OSTOMIES, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN OR  
16 OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE  
17 UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES, COLLECTION BAGS,  
18 CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY RINGS AND OSTOMY  
19 BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL  
20 PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A LIST OF ADDI-  
21 TIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE MEDICALLY  
22 NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL ALSO BE  
23 COVERAGE.

24 (2) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
25 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
26 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

27 (3) THIS SUBSECTION SHALL NOT APPLY TO A POLICY WHICH COVERS PERSONS  
28 EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS  
29 THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS EMPLOYED IN MORE  
30 THAN ONE STATE.

31 S 4. Subsection (c) of section 4321 of the insurance law, as added by  
32 chapter 504 of the laws of 1995, is amended to read as follows:

33 (c) The health maintenance organization shall impose a fifteen dollar  
34 copayment on all visits to a physician or other provider with the excep-  
35 tion of visits for pre-natal and post-natal care or well child visits  
36 provided pursuant to paragraph two of subsection (j) of section four  
37 thousand three hundred three of this article for which no copayment  
38 shall apply. A copayment of fifteen dollars shall be imposed on equip-  
39 ment, supplies and self-management education for the treatment of  
40 diabetes. A COPAYMENT OF FIFTEEN DOLLARS SHALL BE IMPOSED ON EQUIPMENT  
41 AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES. A fifty dollar copay-  
42 ment shall be imposed on emergency services rendered in the emergency  
43 room of a hospital; however, this copayment must be waived if hospital  
44 admission results. Surgical services shall be subject to a copayment of  
45 the lesser of twenty percent of the cost of such services or two hundred  
46 dollars per occurrence. A five hundred dollar copayment shall be imposed  
47 on inpatient hospital services per continuous hospital confinement.  
48 Ambulatory surgical services shall be subject to a facility copayment  
49 charge of seventy-five dollars. Coinsurance of ten percent shall apply  
50 to visits for the diagnosis and treatment of mental, nervous or  
51 emotional disorders or ailments.

52 S 5. Subsection (b) of section 4322 of the insurance law is amended by  
53 adding a new paragraph 28 to read as follows:

54 (28) EQUIPMENT AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES.

55 S 6. Subsection (c) of section 4322 of the insurance law, as added by  
56 chapter 504 of the laws of 1995, is amended to read as follows:

1 (c) The in-plan benefit system shall impose a ten dollar copayment on  
2 all visits to a physician or other provider with the exception of visits  
3 for pre-natal and post-natal care or well child visits provided pursuant  
4 to paragraph two of subsection (j) of section four thousand three  
5 hundred three of this article for which no copayment shall apply. A  
6 copayment of ten dollars shall be imposed on equipment, supplies and  
7 self-management education for the treatment of diabetes. A COPAYMENT OF  
8 TEN DOLLARS SHALL BE IMPOSED ON EQUIPMENT AND SUPPLIES USED FOR THE  
9 TREATMENT OF OSTOMIES. Coinsurance of ten percent shall apply to visits  
10 for the diagnosis and treatment of mental, nervous or emotional disor-  
11 ders or ailments. A thirty-five dollar copayment shall be imposed on  
12 emergency services rendered in the emergency room of a hospital; howev-  
13 er, this copayment must be waived if hospital admission results.

14 S 7. This act shall take effect on the first of January next succeed-  
15 ing the date on which it shall have become a law and shall apply to all  
16 policies and contracts issued, renewed, modified, altered or amended on  
17 or after such effective date.