

5937

2013-2014 Regular Sessions

I N S E N A T E

September 18, 2013

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

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 30 to read as follows:
3 (30) 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 19 to read as follows:
18 (19) 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
25 AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES,

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

LBD11677-01-3

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

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

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

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

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

30 S 4. Subsection (c) of section 4321 of the insurance law, as amended
31 by chapter 219 of the laws of 2011, is amended to read as follows:

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

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

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

4 S 6. Subsection (c) of section 4322 of the insurance law, as amended
5 by chapter 219 of the laws of 2011, is amended to read as follows:

6 (c) The in-plan benefit system shall impose a ten dollar copayment on
7 all visits to a physician or other provider with the exception of visits
8 for pre-natal and post-natal care, well child visits provided pursuant
9 to paragraph two of subsection (j) of section four thousand three
10 hundred three of this article, preventive health services provided
11 pursuant to subparagraph (F) of paragraph four of subsection (b) of this
12 section or items or services for bone mineral density provided pursuant
13 to subparagraph (D) of paragraph twenty-six of subsection (b) of this
14 section for which no copayment shall apply. A copayment of ten dollars
15 shall be imposed on equipment, supplies and self-management education
16 for the treatment of diabetes. A COPAYMENT OF TEN DOLLARS SHALL BE
17 IMPOSED ON EQUIPMENT AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES.
18 Coinsurance of ten percent shall apply to visits for the diagnosis and
19 treatment of mental, nervous or emotional disorders or ailments. A thir-
20 ty-five dollar copayment shall be imposed on emergency services rendered
21 in the emergency room of a hospital; however, this copayment must be
22 waived if hospital admission results.

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