

1306--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to providing coverage for surveillance tests for ovarian cancer

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 THAT PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR  
4     COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR SURVEILLANCE  
5     TESTS FOR OVARIAN CANCER FOR AN INSURED WHO IS AT RISK FOR OVARIAN  
6     CANCER. (A) FOR PURPOSES OF THIS SUBSECTION, AN INSURED IS DEEMED TO BE  
7     AT RISK IF:  
8     (I) SHE HAS A FAMILY HISTORY OF:  
9     1. ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;  
10    2. THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR  
11    3. NONPOLYPOSIS COLORECTAL CANCER; OR  
12    (II) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.  
13    (B) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN  
14    CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:  
15    (I) CA-125 SERUM TUMOR MARKER TESTING;  
16    (II) TRANSVAGINAL ULTRASOUND; AND  
17    (III) PELVIC EXAMINATION.  
18     S 2. Subsection (k) of section 3221 of the insurance law is amended by  
19     adding a new paragraph 19 to read as follows:  
20     (19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN  
21     THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL

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

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1 INCLUDE COVERAGE FOR SURVEILLANCE TESTS FOR OVARIAN CANCER FOR AN  
2 INSURED WHO IS AT RISK FOR OVARIAN CANCER. (A) FOR PURPOSES OF THIS  
3 SUBSECTION, AN INSURED IS DEEMED TO BE AT RISK IF:

4 (I) SHE HAS A FAMILY HISTORY OF:

5 1. ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;

6 2. THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR

7 3. NONPOLYPOSIS COLORECTAL CANCER; OR

8 (II) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.

9 (B) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN  
10 CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:

11 (I) CA-125 SERUM TUMOR MARKER TESTING;

12 (II) TRANSVAGINAL ULTRASOUND; AND

13 (III) PELVIC EXAMINATION.

14 S 3. Section 4303 of the insurance law is amended by adding a new  
15 subsection (oo) to read as follows:

16 (OO) A HEALTH SERVICE CORPORATION OR MEDICAL EXPENSE INDEMNITY CORPO-  
17 RATION WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR  
18 COMPREHENSIVE-TYPE COVERAGE MUST PROVIDE COVERAGE FOR SURVEILLANCE TESTS  
19 FOR OVARIAN CANCER FOR AN INSURED WHO IS AT RISK FOR OVARIAN CANCER. (1)  
20 FOR PURPOSES OF THIS SUBSECTION, AN INSURED IS DEEMED TO BE AT RISK IF:

21 (A) SHE HAS A FAMILY HISTORY OF:

22 (I) ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;

23 (II) THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR

24 (III) NONPOLYPOSIS COLORECTAL CANCER; OR

25 (B) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.

26 (2) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN  
27 CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:

28 (A) CA-125 SERUM TUMOR MARKER TESTING;

29 (B) TRANSVAGINAL ULTRASOUND; AND

30 (C) PELVIC EXAMINATION.

31 S 4. This act shall take effect immediately and shall apply to any  
32 policy issued, renewed, or modified after such effective date.