

5390

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- 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 mandatory health insurance coverage for prosthetic devices

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, MAJOR MEDICAL, OR SIMILAR
4 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
5 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
6 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-
7 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
8 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
9 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
10 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
11 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
12 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
13 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
14 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
15 IN THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
16 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
17 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
18 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
19 IN THE STATE OF NEW YORK.
20 S 2. Subsection (l) of section 3221 of the insurance law is amended by
21 adding a new paragraph 19 to read as follows:
22 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
23 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
24 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
25 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-

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

LBD10223-02-3

1 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
2 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
3 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
4 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
5 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
6 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
7 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
8 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
9 IN THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
10 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
11 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
12 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
13 IN THE STATE OF NEW YORK.

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

16 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
17 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
18 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
19 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-
20 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
21 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
22 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
23 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
24 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
25 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
26 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
27 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
28 IN THIS SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
29 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
30 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
31 IN THIS SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
32 IN THE STATE OF NEW YORK.

33 S 4. Paragraph 30 of subsection (i) of section 3216 of the insurance
34 law, as added by section one of this act, is amended to read as follows:

35 (30) Every policy which provides medical, major medical, or similar
36 comprehensive type coverage shall include coverage equal to or above
37 Medicare's standard of coverage for prosthetic devices [for policy hold-
38 ers]. This shall include coverage not only for the provision of a pros-
39 thetic device required to be worn or used by a policy holder but also
40 the repair or replacement of a prosthetic device required to be worn or
41 used by a policy holder. Coverage shall include expenses for assessment,
42 evaluation, treatment, management, and follow-up care. Coverage shall
43 not be denied if the policy holder's physician determines the prosthetic
44 device is the most appropriate model that adequately meets the medical
45 needs of the policy holder to perform activities of daily living or
46 essential job-related activities. The term "prosthetic device" as used
47 in this paragraph includes an artificial limb but shall not include
48 shoes or any other article considered as ordinary wearing apparel,
49 whether or not specially constructed. [The term "policy holder" as used
50 in this paragraph shall mean a veteran of the armed forces who resides
51 in the state of New York.]

52 S 5. Paragraph 19 of subsection (l) of section 3221 of the insurance
53 law, as added by section two of this act, is amended to read as follows:

54 (19) Every policy which provides medical, major medical, or similar
55 comprehensive type coverage shall include coverage equal to or above
56 Medicare's standard of coverage for prosthetic devices [for policy hold-

1 ers]. This shall include coverage not only for the provision of a pros-
2 thetic device required to be worn or used by a policy holder but also
3 the repair or replacement of a prosthetic device required to be worn or
4 used by a policy holder. Coverage shall include expenses for assessment,
5 evaluation, treatment, management, and follow-up care. Coverage shall
6 not be denied if the policy holder's physician determines the prosthetic
7 device is the most appropriate model that adequately meets the medical
8 needs of the policy holder to perform activities of daily living or
9 essential job-related activities. The term "prosthetic device" as used
10 in this paragraph includes an artificial limb but shall not include
11 shoes or any other article considered as ordinary wearing apparel,
12 whether or not specially constructed. [The term "policy holder" as used
13 in this paragraph shall mean a veteran of the armed forces who resides
14 in the state of New York.]

15 S 6. Subsection (oo) of section 4303 of the insurance law, as added by
16 section three of this act, is amended to read as follows:

17 (oo) Every policy which provides medical, major medical, or similar
18 comprehensive type coverage shall include coverage equal to or above
19 Medicare's standard of coverage for prosthetic devices [for policy hold-
20 ers]. This shall include coverage not only for the provision of a pros-
21 thetic device required to be worn or used by a policy holder but also
22 the repair or replacement of a prosthetic device required to be worn or
23 used by a policy holder. Coverage shall include expenses for assessment,
24 evaluation, treatment, management, and follow-up care. Coverage shall
25 not be denied if the policy holder's physician determines the prosthetic
26 device is the most appropriate model that adequately meets the medical
27 needs of the policy holder to perform activities of daily living or
28 essential job-related activities. The term "prosthetic device" as used
29 in this subsection includes an artificial limb but shall not include
30 shoes or any other article considered as ordinary wearing apparel,
31 whether or not specially constructed. [The term "policy holder" as used
32 in this paragraph shall mean a veteran of the armed forces who resides
33 in the state of New York.]

34 S 7. This act shall take effect May 1, 2014; provided, however,
35 sections four, five and six of this act shall take effect on April 1,
36 2016.