

5390--B

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 -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 AND PROVIDES COVERAGE FOR DURABLE MEDICAL
5 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
6 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
7 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
8 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. THIS SHALL INCLUDE
9 COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO
10 BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF
11 A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER.
12 COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT,
13 MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED IF THE
14 POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE IS THE MOST
15 APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY
16 HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARAGRAPH INCLUDES
17 AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER ARTICLE
18 CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY
19 CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARAGRAPH SHALL
20 MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE OF NEW YORK

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

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1 AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED FROM AN INJU-
2 RY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED FORCES.

3 S 2. Subsection (l) of section 3221 of the insurance law is amended by
4 adding a new paragraph 19 to read as follows:

5 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
6 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL
7 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
8 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
9 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
10 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. THIS SHALL INCLUDE
11 COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO
12 BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF
13 A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER.
14 COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT,
15 MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED IF THE
16 POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE IS THE MOST
17 APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY
18 HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARAGRAPH INCLUDES
19 AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER ARTICLE
20 CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY
21 CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARAGRAPH SHALL
22 MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE OF NEW YORK
23 AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED FROM AN INJU-
24 RY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED FORCES.

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

27 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
28 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL
29 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
30 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
31 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
32 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. THIS SHALL INCLUDE
33 COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO
34 BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF
35 A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER.
36 COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT,
37 MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED IF THE
38 POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE IS THE MOST
39 APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY
40 HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS SUBSECTION
41 INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER
42 ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY
43 CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS SUBSECTION SHALL
44 MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE OF NEW YORK
45 AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED FROM AN INJU-
46 RY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED FORCES.

47 S 4. This act shall take effect May 1, 2015 and shall apply to all
48 policies and contracts issued, renewed, altered, or amended on or after
49 such effective date.