

5390--C

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 -- 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. COVERAGE SHALL NOT BE
9 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
10 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
11 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-
12 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY
13 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
14 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-
15 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE
16 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED
17 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED
18 FORCES.

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

LBD10223-09-4

1 S 2. Subsection (1) of section 3221 of the insurance law is amended by
2 adding a new paragraph 19 to read as follows:

3 (19) 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. COVERAGE SHALL NOT BE
9 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
10 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
11 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-
12 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY
13 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
14 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-
15 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE
16 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED
17 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED
18 FORCES.

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

21 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
22 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL
23 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
24 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
25 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
26 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE
27 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
28 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
29 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS
30 SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR
31 ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
32 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS
33 SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE
34 STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE
35 RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN
36 THE ARMED FORCES.

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