

5174

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. McDONALD, PICHARDO, DUPREY, WALTER, CRESPO,
CLARK, GOTTFRIED -- Multi-Sponsored by -- M. of A. LUPINACCI, McLAUGH-
LIN, SCARBOROUGH -- read once and referred to the Committee on Insur-
ance

AN ACT to amend the insurance law, in relation to requiring prescription
drug coverage to include such supplements and vitamins as shall be
deemed necessary to mitigate the symptoms of mitochondrial disease

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 32 to read as follows:
3 (32) (A) EVERY POLICY WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS
4 SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLEMENTS AND VITAMINS AS
5 A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE THE SYMPTOMS OF MITOCHON-
6 DRIAL DISEASE DIAGNOSED, THROUGH MUSCLE BIOPSY AND/OR GENETIC TESTING,
7 IN A COVERED PERSON.
8 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
9 SURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
10 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE POLICY.
11 S 2. Subsection (k) of section 3221 of the insurance law is amended by
12 adding a new paragraph 20 to read as follows:
13 (20)(A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE FOR
14 PRESCRIPTION DRUGS SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLE-
15 MENTS AND VITAMINS AS A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE THE
16 SYMPTOMS OF MITOCHONDRIAL DISEASE DIAGNOSED, THROUGH MUSCLE BIOPSY
17 AND/OR GENETIC TESTING, IN A COVERED PERSON.
18 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
19 SURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
20 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE POLICY.
21 S 3. Section 4303 of the insurance law is amended by adding a new
22 subsection (pp) to read as follows:

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

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1 (PP) (1) EVERY CONTRACT ISSUED BY A CORPORATION SUBJECT TO THE
2 PROVISIONS OF THIS ARTICLE WHICH PROVIDES COVERAGE FOR PRESCRIPTION
3 DRUGS SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLEMENTS AND VITA-
4 MINS AS A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE THE SYMPTOMS OF
5 MITOCHONDRIAL DISEASE DIAGNOSED, THROUGH MUSCLE BIOPSY AND/OR GENETIC
6 TESTING, IN A COVERED PERSON.

7 (2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
8 SURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
9 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE
10 CONTRACT.

11 S 4. This act shall take effect on the first of January next succeed-
12 ing the date on which it shall have become a law and shall apply to
13 policies and contracts issued, reissued, renewed, modified or amended on
14 or after such date.