

STATE OF NEW YORK

7076

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring insurance companies to provide coverage for monoclonal antibody treatment for the novel coronavirus (COVID-19)

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 36 to read as follows:

3 (36) (A) Every policy delivered or issued for delivery in this state
4 that provides medical, major medical, or similar comprehensive-type
5 coverage and provides coverage for prescription drugs shall provide
6 coverage for prescribed monoclonal antibody treatment for the novel
7 coronavirus (COVID-19). Such coverage may be subject to co-pays, coinsu-
8 rance or deductibles, provided that the co-pays, coinsurance or deduct-
9 ibles are at least as favorable to an insured as the co-pays, coinsu-
10 rance or deductibles that apply to coverage for other treatments for the
11 novel coronavirus (COVID-19).

12 (B) An insurer providing coverage under this paragraph and any partic-
13 ipating entity through which the insurer offers health services shall
14 not:

15 (i) vary the terms of the policy for the purpose or with the effect of
16 avoiding compliance with this paragraph;

17 (ii) provide incentives (monetary or otherwise) to encourage a covered
18 person to accept less than the minimum protections available under this
19 paragraph;

20 (iii) penalize in any way or reduce or limit the compensation of a
21 health care practitioner for recommending or providing care to a covered
22 person in accordance with this paragraph;

23 (iv) provide incentives (monetary or otherwise) to a health care prac-
24 titioner relating to the services provided pursuant to this paragraph

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

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1 intended to induce or have the effect of inducing such practitioner to
2 provide care to a covered person in a manner inconsistent with this
3 paragraph; or

4 (v) achieve compliance with this paragraph by imposing an increase in
5 cost sharing for an intravenous or injected anticancer medication.

6 § 2. Subsection (l) of section 3221 of the insurance law is amended by
7 adding a new paragraph 21 to read as follows:

8 (21) (A) Every group or blanket policy delivered or issued for deliv-
9 ery in this state that provides medical, major medical, or similar
10 comprehensive-type coverage and provides coverage for prescription drugs
11 shall provide coverage for prescribed monoclonal antibody treatment for
12 the novel coronavirus (COVID-19). Such coverage may be subject to
13 co-pays, coinsurance or deductibles, provided that the co-pays, coinsu-
14 rance or deductibles are at least as favorable to an insured as the
15 co-pays, coinsurance or deductibles that apply to coverage for other
16 treatments for the novel coronavirus (COVID-19).

17 (B) An insurer providing coverage under this paragraph and any partic-
18 ipating entity through which the insurer offers health services shall
19 not:

20 (i) vary the terms of the policy for the purpose or with the effect of
21 avoiding compliance with this paragraph;

22 (ii) provide incentives (monetary or otherwise) to encourage a covered
23 person to accept less than the minimum protections available under this
24 paragraph;

25 (iii) penalize in any way or reduce or limit the compensation of a
26 health care practitioner for recommending or providing care to a covered
27 person in accordance with this paragraph;

28 (iv) provide incentives (monetary or otherwise) to a health care prac-
29 titioner relating to the services provided pursuant to this paragraph
30 intended to induce or have the effect of inducing such practitioner to
31 provide care to a covered person in a manner inconsistent with this
32 paragraph; or

33 (v) achieve compliance with this paragraph by imposing an increase in
34 cost sharing for an intravenous or injected anticancer medication.

35 § 3. Section 4303 of the insurance law is amended by adding a new
36 subsection (ss) to read as follows:

37 (ss) (1) Every contract issued by a corporation subject to the
38 provisions of this article that provides medical, major medical, or
39 similar comprehensive-type coverage and provides coverage for
40 prescription drugs shall provide coverage for prescribed monoclonal
41 antibody treatment for the novel coronavirus (COVID-19). Such coverage
42 may be subject to co-pays, coinsurance or deductibles, provided that the
43 co-pays, coinsurance or deductibles are at least as favorable to an
44 insured as the co-pays, coinsurance or deductibles that apply to cover-
45 age for other treatments for the novel coronavirus (COVID-19).

46 (2) An insurer providing coverage under this subsection and any
47 participating entity through which the insurer offers health services
48 shall not:

49 (A) vary the terms of the policy for the purpose or with the effect of
50 avoiding compliance with this subsection;

51 (B) provide incentives (monetary or otherwise) to encourage a covered
52 person to accept less than the minimum protections available under this
53 subsection;

54 (C) penalize in any way or reduce or limit the compensation of a
55 health care practitioner for recommending or providing care to a covered
56 person in accordance with this subsection;

1 (D) provide incentives (monetary or otherwise) to a health care prac-
2 titioner relating to the services provided pursuant to this subsection
3 intended to induce or have the effect of inducing such practitioner to
4 provide care to a covered person in a manner inconsistent with this
5 subsection; or

6 (E) achieve compliance with this subsection by imposing an increase in
7 cost sharing for an intravenous or injected anticancer medication.

8 § 4. This act shall take effect on the ninetieth day after it shall
9 have become a law. Effective immediately, the addition, amendment and/or
10 repeal of any rule or regulation necessary for the implementation of
11 this act on its effective date are authorized to be made and completed
12 on or before such date.