

# STATE OF NEW YORK

3301

2021-2022 Regular Sessions

## IN SENATE

January 28, 2021

Introduced by Sens. PARKER, ADDABBO, BAILEY, KENNEDY, PERSAUD -- 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 establishing an advisory panel on health insurance coverage for autism spectrum disorder

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The insurance law is amended by adding a new section 346 to  
2 read as follows:

3 § 346. Coverage for autism spectrum disorder. (a) (1) There is hereby  
4 established within the department an advisory panel on health insurance  
5 coverage for autism spectrum disorder. Such panel shall be composed of  
6 nine members who are experts in health care and appointed as follows:  
7 seven members who are officers or employees of the department of health,  
8 office of mental health or the office for people with developmental  
9 disabilities shall be appointed by the governor; and the temporary pres-  
10 ident of the senate and the speaker of the assembly shall each appoint a  
11 member who is a representative of an autism advocacy group. Each member  
12 shall serve a term of two years. The governor shall designate the chair  
13 of the panel from among his or her appointees. Vacancies in the member-  
14 ship of the panel shall be filled in the manner provided for original  
15 appointments.

16 (2) The members of the panel shall receive no compensation for their  
17 services but shall be allowed their actual and necessary expenses  
18 incurred in the performance of their duties pursuant to this subsection.

19 (3) The advisory panel on health insurance coverage for autism spec-  
20 trum disorder shall annually, on or before September first, compile and  
21 submit to the superintendent a list of successful treatment and therapy  
22 options for autism spectrum disorder that will be required to be covered  
23 pursuant to paragraph twenty-five of subsection (i) of section three  
24 thousand two hundred sixteen, paragraph seventeen of subsection (1) of

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

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1 section three thousand two hundred twenty-one and subsection (ee) of  
2 section four thousand three hundred three of this chapter.

3 (4) Within forty-five days of receipt of each list submitted pursuant  
4 to paragraph three of this subsection, the superintendent shall, on an  
5 emergency basis, promulgate and implement rules and regulations requir-  
6 ing coverage for the treatment and therapy options included in each such  
7 list.

8 (b) (1) Within one hundred eighty days of the submission of the  
9 initial list to the superintendent pursuant to paragraph three of  
10 subsection (a) of this section, the department shall establish and oper-  
11 ate an autism and health insurance coverage hotline. The hotline shall  
12 be a toll-free, twenty-four hour a day consumer call center for families  
13 with autistic children who have complaints about or questions on insur-  
14 ers and coverage for autism spectrum disorder. All complaints received  
15 by such hotline shall be documented and referred to the appropriate  
16 official in the department for corrective action.

17 (2) The department may contract with a qualified not-for-profit corpo-  
18 ration for the provision and operation of the hotline required by this  
19 subsection. Any such contract shall only be awarded after the department  
20 has conducted a request for proposals process. The department shall  
21 select a not-for-profit corporation which has the resources and ability  
22 to operate a statewide hotline, and is staffed by employees and/or  
23 volunteers with strong experience in autism spectrum disorder.

24 (3) If the department elects to establish and operate the hotline  
25 using its own personnel and resources, such hotline shall be staffed by  
26 officers and employees with strong experience in autism spectrum disor-  
27 der. Until the state civil service commission shall have established  
28 civil service titles and competitive examinations for positions as  
29 employees of the hotline, the superintendent is authorized and directed  
30 to appoint and employ such qualified officers and employees as shall be  
31 necessary to operate the autism and health insurance coverage hotline.

32 (4) The superintendent is authorized to promulgate and implement any  
33 rules and regulations necessary to carry out the provisions of this  
34 subsection.

35 § 2. Subparagraphs (A) and (B) of paragraph 25 of subsection (i) of  
36 section 3216 of the insurance law, subparagraph (A) as amended by chap-  
37 ter 595 of the laws of 2011, and subparagraph (B) as amended by section  
38 2 of subpart A of part BB of chapter 57 of the laws of 2019, are amended  
39 to read as follows:

40 (A) Every policy which provides coverage for hospital or surgical  
41 coverage shall ~~[not-exclude]~~ include full coverage for the prevention,  
42 early detection, screening, diagnosis and treatment of ~~[medical condi-~~  
43 ~~tions otherwise covered by the policy solely because the treatment is~~  
44 ~~provided to diagnose or treat]~~ autism spectrum disorder.

45 (B) Every policy that provides physician services, medical, major  
46 medical or similar comprehensive-type coverage shall provide full cover-  
47 age for the screening, diagnosis and treatment of autism spectrum disor-  
48 der in accordance with this paragraph and shall not exclude coverage for  
49 the prevention, early detection, screening, diagnosis or treatment of  
50 medical conditions otherwise covered by the policy because the individ-  
51 ual is diagnosed with autism spectrum disorder. Such coverage may be  
52 subject to annual deductibles, copayments and coinsurance as may be  
53 deemed appropriate by the superintendent and shall be consistent with  
54 those imposed on other benefits under the policy. This paragraph shall  
55 not be construed as limiting the benefits that are otherwise available  
56 to an individual under the policy, provided however that such policy

1 shall not contain any limitations on visits that are solely applied to  
2 the treatment of autism spectrum disorder. No insurer shall terminate  
3 coverage or refuse to deliver, execute, issue, amend, adjust, or renew  
4 coverage to an individual solely because the individual is diagnosed  
5 with autism spectrum disorder or has received treatment for autism spec-  
6 trum disorder. Coverage shall be subject to utilization review and  
7 external appeals of health care services pursuant to article forty-nine  
8 of this chapter as well as case management and other managed care  
9 provisions.

10 § 3. Subparagraphs (A) and (B) of paragraph 17 of subsection (l) of  
11 section 3221 of the insurance law, subparagraph (A) as amended by chap-  
12 ter 595 of the laws of 2011, subparagraph (B) as amended by section 19  
13 of subpart A of part BB of chapter 57 of the laws of 2019, are amended  
14 to read as follows:

15 (A) Every group or blanket accident and health insurance policy deliv-  
16 ered or issued for delivery in this state which provides coverage for  
17 hospital or surgical care coverage shall ~~[not-exclude]~~ include full  
18 coverage for the prevention, early detection, screening, diagnosis and  
19 treatment of medical conditions otherwise covered by the policy because  
20 the treatment is provided to diagnose or treat autism spectrum disorder.

21 (B) Every group or blanket policy that provides physician services,  
22 medical, major medical or similar comprehensive-type coverage shall  
23 provide full coverage for the screening, diagnosis and treatment of  
24 autism spectrum disorder in accordance with this paragraph and shall not  
25 exclude coverage for the prevention, early detection, screening, diagno-  
26 sis or treatment of medical conditions otherwise covered by the policy  
27 because the individual is diagnosed with autism spectrum disorder. Such  
28 coverage may be subject to annual deductibles, copayments and coinsu-  
29 rance as may be deemed appropriate by the superintendent and shall be  
30 consistent with those imposed on other benefits under the group or blan-  
31 ket policy. This paragraph shall not be construed as limiting the bene-  
32 fits that are otherwise available to an individual under the group or  
33 blanket policy, provided however that such policy shall not contain any  
34 limitations on visits that are solely applied to the treatment of autism  
35 spectrum disorder. No insurer shall terminate coverage or refuse to  
36 deliver, execute, issue, amend, adjust, or renew coverage to an individ-  
37 ual solely because the individual is diagnosed with autism spectrum  
38 disorder or has received treatment for autism spectrum disorder. Cover-  
39 age shall be subject to utilization review and external appeals of  
40 health care services pursuant to article forty-nine of this chapter as  
41 well as case management and other managed care provisions.

42 § 4. Paragraphs 1 and 2 of subsection (ee) of section 4303 of the  
43 insurance law, paragraph 1 as amended by chapter 596 of the laws of 2011  
44 and paragraph 2 as amended by section 31 of subpart A of part BB of  
45 chapter 57 of the laws of 2019, are amended to read as follows:

46 (1) A medical expense indemnity corporation, a hospital service corpo-  
47 ration or a health service corporation which provides coverage for  
48 hospital or surgical care coverage shall ~~[not-exclude]~~ include full  
49 coverage for the prevention, early detection, screening, diagnosis and  
50 treatment of medical conditions otherwise covered by the contract solely  
51 because the treatment is provided to diagnose or treat autism spectrum  
52 disorder.

53 (2) Every contract that provides physician services, medical, major  
54 medical or similar comprehensive-type coverage shall provide full cover-  
55 age for the screening, diagnosis and treatment of autism spectrum disor-  
56 der in accordance with this paragraph and shall not exclude coverage for

1 the prevention, early detection, screening, diagnosis or treatment of  
2 medical conditions otherwise covered by the contract because the indi-  
3 vidual is diagnosed with autism spectrum disorder. Such coverage may be  
4 subject to annual deductibles, copayments and coinsurance as may be  
5 deemed appropriate by the superintendent and shall be consistent with  
6 those imposed on other benefits under the contract. This paragraph shall  
7 not be construed as limiting the benefits that are otherwise available  
8 to an individual under the contract, provided however that such contract  
9 shall not contain any limitations on visits that are solely applied to  
10 the treatment of autism spectrum disorder. No insurer shall terminate  
11 coverage or refuse to deliver, execute, issue, amend, adjust, or renew  
12 coverage to an individual solely because the individual is diagnosed  
13 with autism spectrum disorder or has received treatment for autism spec-  
14 trum disorder. Coverage shall be subject to utilization review and  
15 external appeals of health care services pursuant to article forty-nine  
16 of this chapter as well as case management and other managed care  
17 provisions.

18 § 5. This act shall take effect on the thirtieth day after it shall  
19 have become a law.