

STATE OF NEW YORK

3561

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sens. BRESLIN, GRIFFO -- 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 coverage of early
intervention services

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

1 Section 1. Subsection (a) of section 3235-a of the insurance law, as
2 added by section 3 of part C of chapter 1 of the laws of 2002, is
3 amended and two new subsections (e) and (f) are added to read as
4 follows:

5 (a) No policy of accident and health insurance, including contracts
6 issued pursuant to article forty-three of this chapter, shall exclude
7 coverage for otherwise covered services [~~solely on the basis that the~~
8 ~~services constitute early intervention program services~~] that are
9 provided under title two-A of article twenty-five of the public health
10 law.

11 (e) Where a service provided to an insured under the early inter-
12 vention program is a covered service under the insurer's policy or
13 contract, the individualized family services plan, upon certification by
14 the early intervention official, as defined in section twenty-five
15 hundred forty-one of the public health law, or such official's designee,
16 shall be deemed to meet any precertification, preauthorization, and
17 medical necessity requirements imposed on benefits under the policy or
18 contract; provided, however, that the provider shall remove or redact
19 any information contained in the insured's individualized family
20 services plan that is not required by the insurer for payment purposes.
21 Payment for a service covered under the policy or contract that is
22 provided under the early intervention program shall be at rates estab-
23 lished by the commissioner of health for such service pursuant to regu-
24 lations.

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

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1 (f) No insurer, including a health maintenance organization issued a
2 certificate of authority under article forty-four of the public health
3 law and a corporation organized under article forty-three of this chap-
4 ter, shall deny payment of an early intervention claim based on the
5 following:

6 (1) the location where services are provided;

7 (2) the duration of the child's condition and/or that the child's
8 condition is not amenable to significant improvement within a certain
9 period of time as specified in the policy; or

10 (3) that the provider of services is not a network or participating
11 provider.

12 § 2. This act shall take effect immediately.