

# STATE OF NEW YORK

906--A

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. SANDERS, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to providing insurance coverage for colorectal cancer early detection

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

1 Section 1. Paragraph 27 of subsection (i) of section 3216 of the  
2 insurance law, as added by chapter 457 of the laws of 2010, is renu-  
3 bered paragraph 36, paragraph 28 of subsection (i) of section 3216 of  
4 the insurance law, as amended by chapter 11 of the laws of 2012, is  
5 renumbered paragraph 37, paragraph 34 of subsection (i) of section 3216  
6 of the insurance law, as added by section 10 of part MM of chapter 57 of  
7 the laws of 2018, is renumbered paragraph 38 and a new paragraph 39 is  
8 added to read as follows:

9 (39) (A) Every policy which provides coverage pursuant to this section  
10 shall provide coverage to any named subscriber or other person covered  
11 thereunder for expenses incurred in conducting colorectal cancer exam-  
12 inations and laboratory tests at regular intervals, including expenses  
13 incurred in conducting physician consultations for colorectal cancer  
14 prior to such examinations and tests, for persons thirty-five years of  
15 age or older and for persons of any age who are considered to be at high  
16 risk for colorectal cancer. The methods of screening for which benefits  
17 shall be provided shall include but not be limited to:

18 (i) a screening fecal occult blood test;

19 (ii) flexible sigmoidoscopy;

20 (iii) colonoscopy;

21 (iv) barium enema; or

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

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1 (v) the most reliable, medically recognized screening test available;  
2 and

3 (vi) any combination thereof.

4 The method and frequency of screening to be utilized shall be in  
5 accord with the most recently published guidelines of the American  
6 College of Gastroenterology or the American Gastroenterological Associ-  
7 ation in consultation with the American Cancer Society.

8 (B) As used in this paragraph, "high risk for colorectal cancer" shall  
9 mean a person has,

10 (i) a family history of familial adenomatous polyposis; hereditary  
11 non-polyposis colon cancer; or breast, ovarian, endometrial or colon  
12 cancer or polyps;

13 (ii) chronic inflammatory bowel disease; or

14 (iii) a background, ethnicity or lifestyle that the physician believes  
15 puts the person at elevated risk for colorectal cancer.

16 § 2. Subsection (k) of section 3221 of the insurance law is amended by  
17 adding a new paragraph 22 to read as follows:

18 (22) (A) Every policy which provides coverage pursuant to this section  
19 shall provide coverage to any named subscriber or other person covered  
20 thereunder for expenses incurred in conducting colorectal cancer exam-  
21 inations and laboratory tests at regular intervals, including expenses  
22 incurred in conducting physician consultations for colorectal cancer  
23 prior to such examinations and tests, for persons thirty-five years of  
24 age or older and for persons of any age who are considered to be at high  
25 risk for colorectal cancer. The methods of screening for which benefits  
26 shall be provided shall include but not be limited to:

27 (i) a screening fecal occult blood test;

28 (ii) flexible sigmoidoscopy;

29 (iii) colonoscopy;

30 (iv) barium enema; or

31 (v) the most reliable, medically recognized screening test available;  
32 and

33 (vi) any combination thereof.

34 The method and frequency of screening to be utilized shall be in  
35 accord with the most recently published guidelines of the American  
36 College of Gastroenterology or the American Gastroenterological Associ-  
37 ation in consultation with the American Cancer Society.

38 (B) As used in this paragraph, "high risk for colorectal cancer" shall  
39 mean a person has,

40 (i) a family history of familial adenomatous polyposis; hereditary  
41 non-polyposis colon cancer; or breast, ovarian, endometrial or colon  
42 cancer or polyps;

43 (ii) chronic inflammatory bowel disease; or

44 (iii) a background, ethnicity or lifestyle that the physician believes  
45 puts the person at elevated risk for colorectal cancer.

46 § 3. Subsection (a) of section 4303 of the insurance law is amended by  
47 adding a new paragraph 4 to read as follows:

48 (4) To persons thirty-five years of age or older for services related  
49 to the conducting of colorectal cancer examinations and laboratory tests  
50 at regular intervals, including expenses incurred in conducting physi-  
51 cian consultations for colorectal cancer prior to such examinations and  
52 tests, including but not limited to, colonoscopies, coloscopies, screen-  
53 ing fecal occult blood tests, flexible sigmoidoscopies or barium enemas.

54 § 4. The superintendent of financial services shall require an insurer,  
55 health carrier or health benefit plan to notify enrollees annually  
56 of colorectal cancer screenings covered by such enrollees' health bene-

1 fit plan and the most recently published guidelines of the American  
2 College of Gastroenterology or the American Gastroenterological Associ-  
3 ation in consultation with the American Cancer Society for colorectal  
4 cancer screenings or notify enrollees at intervals consistent with the  
5 most recently published guidelines of the American College of Gastroen-  
6 terology or the American Gastroenterological Association in consultation  
7 with the American Cancer Society of colorectal cancer screenings which  
8 are covered by such enrollees' health benefit plans. The notice shall  
9 be delivered by mail unless the enrollee and health carrier have agreed  
10 on another method of notification. The superintendent of financial  
11 services is authorized to promulgate necessary rules and regulations for  
12 the purposes of providing such notification.

13 § 5. This act shall take effect immediately and shall apply to any  
14 policy issued, delivered, renewed, and/or modified on or after the  
15 effective date of this act.