

1134

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the insurance law, in relation to reimbursement for testing for familial dysautonomia, Canavan's disease and Tay-Sachs

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 26 to read as follows:
3 (26) (A) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL
4 OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR
5 REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR
6 TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS.
7 (B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-
8 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF
9 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.
10 (C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDEN-
11 TIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORA-
12 TORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE
13 AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF
14 SUCH TESTING.
15 (D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-
16 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
17 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN
18 POLICY.
19 S 2. Subsection (l) of section 3221 of the insurance law is amended by
20 adding a new paragraph 18 to read as follows:
21 (18) (A) A GROUP POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL
22 OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR
23 REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR
24 TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS.

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

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1 (B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-
2 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF
3 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.

4 (C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDEN-
5 TIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORA-
6 TORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE
7 AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF
8 SUCH TESTING.

9 (D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-
10 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
11 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN
12 POLICY.

13 S 3. Section 4303 of the insurance law is amended by adding a new
14 subsection (ff) to read as follows:

15 (FF) (1) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE
16 CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR
17 HOSPITAL, SURGICAL OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORA-
18 TORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE
19 COVERAGE FOR TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND
20 TAY-SACHS.

21 (2) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-
22 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF
23 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.

24 (3) FOR PURPOSES OF THIS SUBSECTION, IN ORDER TO MAINTAIN THE CONFI-
25 DENTIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE
26 LABORATORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S
27 DISEASE AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE
28 PERFORMANCE OF SUCH TESTING.

29 (4) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-
30 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE
31 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN
32 POLICY.

33 S 4. This act shall take effect immediately.