S T A T E O F N E W Y O R K

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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 26 to read as follows:

(26) (A) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS.

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

(C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDENTIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORATORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF SUCH TESTING.

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

S 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) (A) A GROUP POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR 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.

LBD02760-01-9

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

(C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDENTIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORATORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF SUCH TESTING.

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

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

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

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

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

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

S 4. This act shall take effect immediately.