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2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. LIFTON, BRADLEY, CARROZZA, EDDINGTON, JAFFEE, KAVANAGH, MAISEL, O'DONNELL, PEOPLES, MARKEY, ROSENTHAL -- Multi-Sponsored by -- M. of A. BOYLAND, CLARK, COLTON, GALEF, GUNTHER, KOON, LANCMAN, V. LOPEZ, MAYERSOHN, MCENENY, PHEFFER, TOWNS, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing coverage for family members of children who require psychiatric or psychological services

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 INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSUR-
4 ANCE FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR PSYCHIATRIC
5 OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF MENTAL, NERVOUS
6 OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE AND PROVIDE
7 COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGHTEEN YEARS OF
8 AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS DETER-
9 MINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE STATE
10 INVOLVING ANY FAMILY MEMBER OF AN INSURED.
11 (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS
12 A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT
13 PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF
14 FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS
15 OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-
16 BLE POLICY OR CONTRACT.
17 S 2. Subsection (l) of section 3221 of the insurance law is amended by
18 adding a new paragraph 18 to read as follows:
19 (18) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE FOR
20 PSYCHIATRIC OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF
21 MENTAL, NERVOUS OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE

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

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1 AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGH-
2 TEEN YEARS OF AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY
3 SESSIONS DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFES-
4 SIONAL IN THE STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

5 (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS
6 A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT
7 PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF
8 FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS
9 OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-
10 BLE POLICY OR CONTRACT.

11 S 3. Subsection (i) of section 4303 of the insurance law, as amended
12 by chapter 230 of the laws of 2004, is amended to read as follows:

13 (i) A medical expense indemnity corporation or health service corpo-
14 ration which provides coverage for physicians, psychiatrists or psychol-
15 ogists for psychiatric or psychological services or for the diagnosis
16 and treatment of mental, nervous or emotional disorders and ailments,
17 however defined in such contract, must make available and if requested
18 by all persons holding individual contracts in a group whose premiums
19 are paid by a remitting agent or by the contract holder in the case of a
20 group contract issued pursuant to section four thousand three hundred
21 five of this article[,]: (A) provide the same coverage for such services
22 when performed by a licensed clinical social worker, within the lawful
23 scope of his or her practice, who is licensed pursuant to article one
24 hundred fifty-four of the education law. The state board for social work
25 shall maintain a list of all licensed clinical social workers qualified
26 for reimbursement under this subsection. Such coverage shall be made
27 available at the inception of all new contracts and, with respect to all
28 other contracts, at any anniversary date subject to evidence of insura-
29 bility. Written notice of the availability of such coverage shall be
30 delivered to the group remitting agent or group contract holder prior to
31 inception of such contract and annually thereafter, except that this
32 notice shall not be required where a policy covers two hundred or more
33 employees or where the benefit structure was the subject of collective
34 bargaining affecting persons who are employed in more than one state[.];
35 AND (B) MAKE AVAILABLE AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE
36 INSURED IS UNDER EIGHTEEN YEARS OF AGE.

37 (I) IN THIS SUBPARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS
38 DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE
39 STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

40 (II) THE COVERAGE REQUIRED BY THIS SUBPARAGRAPH SHALL INCLUDE TREAT-
41 MENT AS A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR
42 CONTRACT PROVIDED SUCH FAMILY MEMBER (1) DOES NOT EXCEED THE ALLOWABLE
43 NUMBER OF FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT,
44 AND (2) IS OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY
45 MEMBER'S APPLICABLE POLICY OR CONTRACT.

46 S 4. This act shall take effect on the one hundred twentieth day after
47 it shall have become a law, except that any rule or regulation necessary
48 for the timely implementation of this act on its effective date shall be
49 promulgated on or before such date.