

2759

2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. P. RIVERA, McENENY, FIELDS, WEISENBERG, BENEDETTO, ALESSI, V. LOPEZ, CLARK, KOON, PERALTA, J. RIVERA, CAHILL, BARRA, SPANO, THIELE, LIFTON, MAYERSOHN, LATIMER, SCHROEDER -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BRADLEY, BRENNAN, CARROZZA, CONTE, DIAZ, DUPREY, ESPAILLAT, GABRYSZAK, LUPARDO, MAISEL, MARKEY, McKEVITT, MILLER, NOLAN, PEOPLES, REILLY, SAYWARD, SCOZZAFAVA, SEMINERIO, SWEENEY, TOBACCO, TOWNS, WALKER, WEINSTEIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurers to provide full coverage for the prevention, early detection, diagnosis and treatment of autism spectrum disorder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The insurance law is amended by adding a new section 342  
2 to read as follows:  
3 S 342. COVERAGE FOR AUTISM SPECTRUM DISORDER. (A) (1) THERE IS HEREBY  
4 ESTABLISHED WITHIN THE DEPARTMENT AN ADVISORY PANEL ON HEALTH INSURANCE  
5 COVERAGE FOR AUTISM SPECTRUM DISORDER. SUCH PANEL SHALL BE COMPOSED OF  
6 NINE MEMBERS WHO ARE EXPERTS IN HEALTH CARE AND APPOINTED AS FOLLOWS:  
7 SEVEN MEMBERS WHO ARE OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF HEALTH,  
8 OFFICE OF MENTAL HEALTH OR THE OFFICE OF MENTAL RETARDATION AND DEVELOP-  
9 MENTAL DISABILITIES SHALL BE APPOINTED BY THE GOVERNOR; AND THE TEMPO-  
10 RARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH  
11 APPOINT A MEMBER WHO IS A REPRESENTATIVE OF AN AUTISM ADVOCACY GROUP.  
12 EACH MEMBER SHALL SERVE A TERM OF TWO YEARS. THE GOVERNOR SHALL DESIG-  
13 NATE THE CHAIR OF THE PANEL FROM AMONG HIS OR HER APPOINTEES. VACANCIES  
14 IN THE MEMBERSHIP OF THE PANEL SHALL BE FILLED IN THE MANNER PROVIDED  
15 FOR ORIGINAL APPOINTMENTS.  
16 (2) THE MEMBERS OF THE PANEL SHALL RECEIVE NO COMPENSATION FOR THEIR  
17 SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
18 INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SUBSECTION.

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

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1 (3) THE ADVISORY PANEL ON HEALTH INSURANCE COVERAGE FOR AUTISM SPEC-  
2 TRUM DISORDER SHALL ANNUALLY, ON OR BEFORE SEPTEMBER FIRST, COMPILE AND  
3 SUBMIT TO THE SUPERINTENDENT A LIST OF SUCCESSFUL TREATMENT AND THERAPY  
4 OPTIONS FOR AUTISM SPECTRUM DISORDER THAT WILL BE REQUIRED TO BE COVERED  
5 PURSUANT TO PARAGRAPH TWENTY-FIVE OF SUBSECTION (I) OF SECTION THREE  
6 THOUSAND TWO HUNDRED SIXTEEN, PARAGRAPH SEVENTEEN OF SUBSECTION (1) OF  
7 SECTION THREE THOUSAND TWO HUNDRED TWENTY-ONE AND SUBSECTION (EE) OF  
8 SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS CHAPTER.

9 (4) WITHIN FORTY-FIVE DAYS OF RECEIPT OF EACH LIST SUBMITTED PURSUANT  
10 TO PARAGRAPH THREE OF THIS SUBSECTION, THE SUPERINTENDENT SHALL, ON AN  
11 EMERGENCY BASIS, PROMULGATE AND IMPLEMENT RULES AND REGULATIONS REQUIR-  
12 ING COVERAGE FOR THE TREATMENT AND THERAPY OPTIONS INCLUDED IN EACH SUCH  
13 LIST.

14 (B) (1) WITHIN ONE HUNDRED EIGHTY DAYS OF THE SUBMISSION OF THE  
15 INITIAL LIST TO THE SUPERINTENDENT PURSUANT TO PARAGRAPH THREE OF  
16 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH AND OPER-  
17 ATE AN AUTISM AND HEALTH INSURANCE COVERAGE HOTLINE. THE HOTLINE SHALL  
18 BE A TOLL-FREE, TWENTY-FOUR HOUR A DAY CONSUMER CALL CENTER FOR FAMILIES  
19 WITH AUTISTIC CHILDREN WHO HAVE COMPLAINTS ABOUT OR QUESTIONS ON INSUR-  
20 ERS AND COVERAGE FOR AUTISM SPECTRUM DISORDER. ALL COMPLAINTS RECEIVED  
21 BY SUCH HOTLINE SHALL BE DOCUMENTED AND REFERRED TO THE APPROPRIATE  
22 OFFICIAL IN THE DEPARTMENT FOR CORRECTIVE ACTION.

23 (2) THE DEPARTMENT MAY CONTRACT WITH A QUALIFIED NOT-FOR-PROFIT CORPO-  
24 RATION FOR THE PROVISION AND OPERATION OF THE HOTLINE REQUIRED BY THIS  
25 SUBSECTION. ANY SUCH CONTRACT SHALL ONLY BE AWARDED AFTER THE DEPARTMENT  
26 HAS CONDUCTED A REQUEST FOR PROPOSALS PROCESS. THE DEPARTMENT SHALL  
27 SELECT A NOT-FOR-PROFIT CORPORATION WHICH HAS THE RESOURCES AND ABILITY  
28 TO OPERATE A STATEWIDE HOTLINE, AND IS STAFFED BY EMPLOYEES AND/OR  
29 VOLUNTEERS WITH STRONG EXPERIENCE IN AUTISM SPECTRUM DISORDER.

30 (3) IF THE DEPARTMENT ELECTS TO ESTABLISH AND OPERATE THE HOTLINE  
31 USING ITS OWN PERSONNEL AND RESOURCES, SUCH HOTLINE SHALL BE STAFFED BY  
32 OFFICERS AND EMPLOYEES WITH STRONG EXPERIENCE IN AUTISM SPECTRUM DISOR-  
33 DER. UNTIL THE STATE CIVIL SERVICE COMMISSION SHALL HAVE ESTABLISHED  
34 CIVIL SERVICE TITLES AND COMPETITIVE EXAMINATIONS FOR POSITIONS AS  
35 EMPLOYEES OF THE HOTLINE, THE SUPERINTENDENT IS AUTHORIZED AND DIRECTED  
36 TO APPOINT AND EMPLOY SUCH QUALIFIED OFFICERS AND EMPLOYEES AS SHALL BE  
37 NECESSARY TO OPERATE THE AUTISM AND HEALTH INSURANCE COVERAGE HOTLINE.

38 (4) THE SUPERINTENDENT IS AUTHORIZED TO PROMULGATE AND IMPLEMENT ANY  
39 RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS  
40 SUBSECTION.

41 S 2. Paragraph 25 of subsection (i) of section 3216 of the insurance  
42 law, as added by chapter 557 of the laws of 2006, is amended to read as  
43 follows:

44 (25) Every policy which provides coverage for hospital, surgical, or  
45 medical care coverage shall [not exclude] INCLUDE FULL coverage for THE  
46 PREVENTION, EARLY DETECTION, diagnosis and treatment of [medical condi-  
47 tions otherwise covered by the policy solely because the treatment is  
48 provided to diagnose or treat] autism spectrum disorder. For purposes  
49 of this section, "autism spectrum disorder" means a neurobiological  
50 condition that includes autism, Asperger syndrome, Rett's syndrome, or  
51 pervasive developmental disorder.

52 S 3. Paragraph 17 of subsection (l) of section 3221 of the insurance  
53 law, as added by chapter 557 of the laws of 2006, is amended to read as  
54 follows:

55 (17) A group or blanket accident or health insurance policy or issuing  
56 a group or blanket policy for delivery in this state which provides

1 coverage for hospital, surgical, or medical care coverage shall [not  
2 exclude] INCLUDE FULL coverage for THE PREVENTION, EARLY DETECTION,  
3 diagnosis and treatment of [medical conditions otherwise covered by the  
4 policy because the treatment is provided to diagnose or treat] autism  
5 spectrum disorder. For purposes of this section, "autism spectrum  
6 disorder" means a neurobiological condition that includes autism, Asper-  
7 ger syndrome, Rett's syndrome, or pervasive developmental disorder.

8 S 4. Subsection (ee) of section 4303 of the insurance law, as added by  
9 chapter 557 of the laws of 2006, is amended to read as follows:

10 (ee) A medical expense indemnity corporation, a hospital service  
11 corporation or a health service corporation which provides coverage for  
12 hospital, surgical, or medical care coverage shall [not exclude] INCLUDE  
13 FULL coverage for THE PREVENTION, EARLY DETECTION, diagnosis and treat-  
14 ment of [medical conditions otherwise covered by the policy solely  
15 because the treatment is provided to diagnose or treat] autism spectrum  
16 disorder. For purposes of this section, "autism spectrum disorder"  
17 means a neurobiological condition that includes autism, Asperger  
18 syndrome, Rett's syndrome, or pervasive developmental disorder.

19 S 5. This act shall take effect on the thirtieth day after it shall  
20 have become a law.