

S. 1189

A. 3479

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2009

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IN SENATE -- Introduced by Sens. PERKINS, DUANE, HASSELL-THOMPSON, C. JOHNSON, KRUEGER, MONTGOMERY, PARKER, SAMPSON, SERRANO, SMITH, STAVISKY, THOMPSON, VALESKY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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

AN ACT to amend the insurance law, in relation to providing for health insurance coverage for diagnostic screening for colorectal cancer

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 11-b to read as follows:  
3     (11-B) (A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE  
4     WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN  
5     SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR  
6     MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE  
7     PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE  
8     UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE FOR DIAG-  
9     NOSTIC SCREENING FOR COLORECTAL CANCER:  
10    (I) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO, A  
11    DIGITAL RECTAL EXAMINATION AT ANY AGE FOR PEOPLE HAVING A FAMILY HISTORY  
12    OF COLORECTAL CANCER OR A PERSONAL HISTORY OF POLYPS OR INFLAMMATORY  
13    BOWEL DISEASE; AND  
14    (II) AN ANNUAL STANDARD DIAGNOSTIC EXAMINATION INCLUDING, BUT NOT  
15    LIMITED TO, A DIGITAL RECTAL EXAMINATION FOR PEOPLE AGE FIFTY AND OVER  
16    WHO ARE ASYMPTOMATIC AND FOR PEOPLE AGE FORTY AND OVER WITH A FAMILY  
17    HISTORY OF COLORECTAL CANCER OR OTHER COLORECTAL CANCER RISK FACTORS.  
18    (B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
19    AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
20    WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

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

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1 S 2. Subsection (1) of section 3221 of the insurance law is amended by  
2 adding a new paragraph 11-b to read as follows:

3 (11-B) (A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE  
4 WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN  
5 SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR  
6 MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE  
7 PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE  
8 UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE FOR DIAG-  
9 NOSTIC SCREENING FOR COLORECTAL CANCER:

10 (I) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO, A  
11 DIGITAL RECTAL EXAMINATION AT ANY AGE FOR PEOPLE HAVING A FAMILY HISTORY  
12 OF COLORECTAL CANCER OR A PERSONAL HISTORY OF POLYPS OR INFLAMMATORY  
13 BOWEL DISEASE; AND

14 (II) AN ANNUAL STANDARD DIAGNOSTIC EXAMINATION INCLUDING, BUT NOT  
15 LIMITED TO, A DIGITAL RECTAL EXAMINATION FOR PEOPLE AGE FIFTY AND OVER  
16 WHO ARE ASYMPTOMATIC AND FOR PEOPLE AGE FORTY AND OVER WITH A FAMILY  
17 HISTORY OF COLORECTAL CANCER OR OTHER COLORECTAL CANCER RISK FACTORS.

18 (B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
19 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
20 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

21 S 3. Section 4303 of the insurance law is amended by adding a new  
22 subsection (z-2) to read as follows:

23 (Z-2) (1) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE  
24 WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN  
25 SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR  
26 MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE  
27 PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE  
28 UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE FOR DIAG-  
29 NOSTIC SCREENING FOR COLORECTAL CANCER:

30 (A) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO, A  
31 DIGITAL RECTAL EXAMINATION AT ANY AGE FOR PEOPLE HAVING A FAMILY HISTORY  
32 OF COLORECTAL CANCER OR A PERSONAL HISTORY OF POLYPS OR INFLAMMATORY  
33 BOWEL DISEASE; AND

34 (B) AN ANNUAL STANDARD DIAGNOSTIC EXAMINATION INCLUDING, BUT NOT  
35 LIMITED TO, A DIGITAL RECTAL EXAMINATION FOR PEOPLE AGE FIFTY AND OVER  
36 WHO ARE ASYMPTOMATIC AND FOR PEOPLE AGE FORTY AND OVER WITH A FAMILY  
37 HISTORY OF COLORECTAL CANCER OR OTHER COLORECTAL CANCER RISK FACTORS.

38 (2) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
39 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
40 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

41 S 4. This act shall take effect on the first of January next succeed-  
42 ing the date on which it shall have become a law.