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

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

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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 11-b to read as follows:

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

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

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

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT 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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S 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 11-b to read as follows:

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

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

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

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE 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 (z-2) to read as follows:

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

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

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

(2) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE 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 on the first of January next succeeding the date on which it shall have become a law.