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

4519

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. CYMBROWITZ, COLTON, FIELDS, GUNTHER, MARKEY, MAYERSOHN, MILLMAN, J. RIVERA -- Multi-Sponsored by -- M. of A. ABBATE, BRADLEY, CAHILL, COOK, DelMONTE, ENGLEBRIGHT, GLICK, HIKIND, JAFFEE, V. LOPEZ, McENENY, PHEFFER, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring insurance policies covering surgery to cover all expenses incurred in connection with autologous blood transfusions

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

Section 1. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES SURGICAL COVERAGE SHALL PROVIDE COVERAGE FOR ALL EXPENSES INCURRED IN CONNECTION WITH AUTOLOGOUS BLOOD TRANSFUSIONS USED FOR OR INTENDED TO BE USED FOR SURGERY, INCLUDING THE COLLECTION OF BLOOD PRIOR TO SURGERY AND THE TRANSFUSION OF SUCH BLOOD INTO THE INSURED, WHETHER DONE BEFORE, DURING, OR AFTER SURGERY. 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 2. Section 4303 of the insurance law is amended by adding a new subsection (ff) to read as follows:

(FF) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION, OR A HEALTH SERVICE CORPORATION WHICH PROVIDES SURGICAL COVERAGE SHALL PROVIDE COVERAGE FOR ALL EXPENSES INCURRED IN CONNECTION WITH AUTOLOGOUS BLOOD TRANSFUSIONS USED FOR OR INTENDED TO BE USED FOR SURGERY, INCLUDING THE COLLECTION OF BLOOD PRIOR TO SURGERY AND THE TRANSFUSION OF SUCH BLOOD INTO THE INSURED, WHETHER DONE BEFORE, DURING, OR AFTER SURGERY. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND

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

LBD06713-01-9

AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date.