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

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I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. DINOWITZ, CLARK, V. LOPEZ, GALEF, MILLMAN, CUSICK, CYMBROWITZ, McENENY, ZEBROWSKI, ORTIZ, ENGLEBRIGHT, BRADLEY -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BING, BRENNAN, BRODSKY, CAHILL, CANESTRARI, CHRISTENSEN, COLTON, COOK, GLICK, GOTTFRIED, GREENE, JACOBS, PHEFFER, POWELL, RAIA, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing insurance coverage for colorectal cancer early detection

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 26 to read as follows:

(26) (A) EVERY POLICY WHICH PROVIDES COVERAGE PURSUANT TO THIS SECTION SHALL PROVIDE COVERAGE TO ANY NAMED SUBSCRIBER OR OTHER PERSON COVERED THEREUNDER FOR EXPENSES INCURRED IN CONDUCTING COLORECTAL CANCER EXAMINATIONS AND LABORATORY TESTS AT REGULAR INTERVALS, INCLUDING EXPENSES INCURRED IN CONDUCTING PHYSICIAN CONSULTATIONS FOR COLORECTAL CANCER PRIOR TO SUCH EXAMINATIONS AND TESTS, FOR PERSONS FIFTY YEARS OF AGE OR OLDER AND FOR PERSONS OF ANY AGE WHO ARE CONSIDERED TO BE AT HIGH RISK FOR COLORECTAL CANCER. THE METHODS OF SCREENING FOR WHICH BENEFITS SHALL BE PROVIDED SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) A SCREENING FECAL OCCULT BLOOD TEST;

(II) FLEXIBLE SIGMOIDOSCOPY;

(III) COLONOSCOPY;

(IV) BARIUM ENEMA; OR

(V) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE; AND

(VI) ANY COMBINATION THEREOF.

THE METHOD AND FREQUENCY OF SCREENING TO BE UTILIZED SHALL BE IN ACCORD WITH THE MOST RECENTLY PUBLISHED GUIDELINES OF THE AMERICAN

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

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COLLEGE OF GASTROENTEROLOGY OR THE AMERICAN GASTROENTEROLOGICAL ASSOCIATION IN CONSULTATION WITH THE AMERICAN CANCER SOCIETY.

(B) AS USED IN THIS PARAGRAPH, "HIGH RISK FOR COLORECTAL CANCER" SHALL MEAN A PERSON HAS,

(I) A FAMILY HISTORY OF FAMILIAL ADENOMATOUS POLYPOSIS; HEREDITARY NON-POLYPOSIS COLON CANCER; OR BREAST, OVARIAN, ENDOMETRIAL OR COLON CANCER OR POLYPS;

(II) CHRONIC INFLAMMATORY BOWEL DISEASE; OR

(III) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 15 to read as follows:

(15) (A) EVERY POLICY WHICH PROVIDES COVERAGE PURSUANT TO THIS SECTION SHALL PROVIDE COVERAGE TO ANY NAMED SUBSCRIBER OR OTHER PERSON COVERED THEREUNDER FOR EXPENSES INCURRED IN CONDUCTING COLORECTAL CANCER EXAMINATIONS AND LABORATORY TESTS AT REGULAR INTERVALS, INCLUDING EXPENSES INCURRED IN CONDUCTING PHYSICIAN CONSULTATIONS FOR COLORECTAL CANCER PRIOR TO SUCH EXAMINATIONS AND TESTS, FOR PERSONS FIFTY YEARS OF AGE OR OLDER AND FOR PERSONS OF ANY AGE WHO ARE CONSIDERED TO BE AT HIGH RISK FOR COLORECTAL CANCER. THE METHODS OF SCREENING FOR WHICH BENEFITS SHALL BE PROVIDED SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) A SCREENING FECAL OCCULT BLOOD TEST;

(II) FLEXIBLE SIGMOIDOSCOPY;

(III) COLONOSCOPY;

(IV) BARIUM ENEMA; OR

(V) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE; AND

(VI) ANY COMBINATION THEREOF.

THE METHOD AND FREQUENCY OF SCREENING TO BE UTILIZED SHALL BE IN ACCORD WITH THE MOST RECENTLY PUBLISHED GUIDELINES OF THE AMERICAN COLLEGE OF GASTROENTEROLOGY OR THE AMERICAN GASTROENTEROLOGICAL ASSOCIATION IN CONSULTATION WITH THE AMERICAN CANCER SOCIETY.

(B) AS USED IN THIS PARAGRAPH, "HIGH RISK FOR COLORECTAL CANCER" SHALL MEAN A PERSON HAS,

(I) A FAMILY HISTORY OF FAMILIAL ADENOMATOUS POLYPOSIS; HEREDITARY NON-POLYPOSIS COLON CANCER; OR BREAST, OVARIAN, ENDOMETRIAL OR COLON CANCER OR POLYPS;

(II) CHRONIC INFLAMMATORY BOWEL DISEASE; OR

(III) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.

S 3. Subsection (a) of section 4303 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4) TO PERSONS FIFTY YEARS OF AGE OR OLDER FOR SERVICES RELATED TO THE CONDUCTING OF COLORECTAL CANCER EXAMINATIONS AND LABORATORY TESTS AT REGULAR INTERVALS, INCLUDING EXPENSES INCURRED IN CONDUCTING PHYSICIAN CONSULTATIONS FOR COLORECTAL CANCER PRIOR TO SUCH EXAMINATIONS AND TESTS, INCLUDING BUT NOT LIMITED TO, COLONOSCOPIES, COLOSCOPIES, SCREENING FECAL OCCULT BLOOD TESTS, FLEXIBLE SIGMOIDOSCOPIES OR BARIUM ENEMAS.

S 4. The superintendent of insurance shall require an insurer, health carrier or health benefit plan to notify enrollees annually of colorectal cancer screenings covered by such enrollees' health benefit plan and the most recently published guidelines of the American College of Gastroenterology or the American Gastroenterological Association in consultation with the American Cancer Society for colorectal cancer screenings or notify enrollees at intervals consistent with the most recently published guidelines of the American College of Gastroenterolo-

gy or the American Gastroenterological Association in consultation with the American Cancer Society of colorectal cancer screenings which are covered by such enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification. The superintendent of insurance is authorized to promulgate necessary rules and regulations for the purposes of providing such notification.

S 5. This act shall take effect immediately and shall apply to any policy issued, delivered, renewed, and/or modified on or after the effective date of this act.