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

6398--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. ORTIZ, JACOBS, GALEF, SCHROEDER -- Multi-Sponsored by -- M. of A. DESTITO, LIFTON, J. RIVERA, P. RIVERA, ROBINSON, WEISENBERG -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to making coverage for medical nutrition therapy applicable to insurance policies and contracts

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 27 to read as follows:

(27) EVERY POLICY SHALL PROVIDE COVERAGE FOR ALL COSTS OF MEDICAL NUTRITION THERAPY, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN. FOR PURPOSES OF THIS PARAGRAPH, "MEDICAL NUTRITION THERAPY" SHALL MEAN NUTRITIONAL DIAGNOSTIC, THERAPY, AND COUNSELING SERVICES FOR THE PURPOSE OF DISEASE MANAGEMENT WHICH ARE FURNISHED BY A DIETITIAN OR NUTRITION PROFESSIONAL CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-SEVEN OF THE EDUCATION LAW.

S 2. Subsection (l) 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 HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL PROVIDE COVERAGE FOR ALL COSTS OF MEDICAL NUTRITION THERAPY, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN. FOR PURPOSES OF THIS PARAGRAPH, "MEDICAL NUTRITION THERAPY" SHALL MEAN NUTRITIONAL DIAGNOSTIC, THERAPY, AND COUNSELING SERVICES FOR THE PURPOSE OF DISEASE MANAGEMENT WHICH ARE FURNISHED BY A DIETITIAN OR NUTRITION PROFESSIONAL CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-SEVEN OF THE EDUCATION LAW.

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

LBD09943-03-0

S 3. Section 4303 of the insurance law is amended by adding a new subsection (gg) to read as follows:

(GG) EVERY CONTRACT ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR MEDICAL, SURGICAL OR MAJOR MEDICAL CARE SHALL PROVIDE COVERAGE FOR ALL COSTS OF MEDICAL NUTRITION THERAPY, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN. FOR PURPOSES OF THIS SUBSECTION, "MEDICAL NUTRITION THERAPY" SHALL MEAN NUTRITIONAL DIAGNOSTIC, THERAPY, AND COUNSELING SERVICES FOR THE PURPOSE OF DISEASE MANAGEMENT WHICH ARE FURNISHED BY A DIETITIAN OR NUTRITION PROFESSIONAL CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-SEVEN OF THE EDUCATION LAW.

S 4. This act shall take effect on the one hundred twentieth day after 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; and provided further, that any rules and regulations necessary to implement the provisions of this act are authorized and directed to be promulgated, amended or repealed on or before such effective date.