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

770

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, PHEFFER, ORTIZ, ROSENTHAL, WRIGHT, JAFFEE, JACOBS, PERRY, CLARK, HOOPER, KELLNER, SPANO, CALHOUN, McKEVITT, ERRIGO, SCOZZAFAVA -- Multi-Sponsored by -- M. of A. ALFANO, BENEDETTO, BENJAMIN, BING, CHRISTENSEN, CONTE, COOK, CROUCH, CUSICK, ESPAILLAT, GALEF, GIGLIO, GOTTFRIED, JOHN, KOON, LANCMAN, LATIMER, MAGNARELLI, MAISEL, McENENY, MILLER, PAULIN, RAIA, REILLY, J. RIVERA, SCHROEDER, SWEENEY, THIELE, WALKER, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for providing prosthetic devices

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) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED ON THE GROUND THAT IT IS FOR COSMETIC PURPOSES OR IS NOT FOR A FUNCTIONAL DEFECT OR IMPAIRMENT. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS SECTION INCLUDES AN ARTIFICIAL LIMB OR ARTIFICIAL EYE BUT SHALL NOT INCLUDE SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY CONSTRUCTED.

S 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

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

LBD02318-01-9

(18) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED ON THE GROUND THAT IT IS FOR COSMETIC PURPOSES OR IS NOT FOR A FUNCTIONAL DEFECT OR IMPAIRMENT. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS SECTION INCLUDES AN ARTIFICIAL LIMB OR ARTIFICIAL EYE BUT SHALL NOT INCLUDE SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY CONSTRUCTED.

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

(FF) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE DENIED ON THE GROUND THAT IT IS FOR COSMETIC PURPOSES OR IS NOT FOR A FUNCTIONAL DEFECT OR IMPAIRMENT. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS SECTION INCLUDES AN ARTIFICIAL LIMB OR ARTIFICIAL EYE BUT SHALL NOT INCLUDE SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY CONSTRUCTED.

S 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.