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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:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
4 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
5 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES. THIS SHALL
6 INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROSTHETIC DEVICE
7 REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO THE REPAIR OR
8 REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR USED BY A
9 POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT, EVALU-
10 ATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL NOT BE
11 DENIED ON THE GROUND THAT IT IS FOR COSMETIC PURPOSES OR IS NOT FOR A
12 FUNCTIONAL DEFECT OR IMPAIRMENT. THE TERM "PROSTHETIC DEVICE" AS USED IN
13 THIS SECTION INCLUDES AN ARTIFICIAL LIMB OR ARTIFICIAL EYE BUT SHALL NOT
14 INCLUDE SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING
15 APPAREL, WHETHER OR NOT SPECIALLY CONSTRUCTED.
16 S 2. Subsection (l) of section 3221 of the insurance law is amended by
17 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

1 (18) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
2 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
3 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES. THIS SHALL
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10 FUNCTIONAL DEFECT OR IMPAIRMENT. THE TERM "PROSTHETIC DEVICE" AS USED IN
11 THIS SECTION INCLUDES AN ARTIFICIAL LIMB OR ARTIFICIAL EYE BUT SHALL NOT
12 INCLUDE SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING
13 APPAREL, WHETHER OR NOT SPECIALLY CONSTRUCTED.

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

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

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