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

9097

2009-2010 Regular Sessions

I N A S S E M B L Y

August 17, 2009

Introduced by M. of A. GLICK, GOTTFRIED, ORTIZ, EDDINGTON -- Multi-Sponsored by -- M. of A. CLARK, COOK, CYMBROWITZ, DINOWITZ, GALEF, JACOBS, MAYERSOHN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to reimbursement for services performed by a person certified or licensed to perform acupuncture

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) IF A POLICY PROVIDES FOR REIMBURSEMENT FOR ACUPUNCTURE TREATMENT WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE OF PRACTICE OF A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE, AN INSURED SHALL ALSO BE ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH TREATMENT WHEN IT IS PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW.

S 2. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) EVERY INSURER DELIVERING A GROUP OR BLANKET POLICY OR ISSUING A GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR ACUPUNCTURE TREATMENT WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE OF PRACTICE OF A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE, SHALL ALSO PROVIDE EQUAL COVERAGE FOR SUCH TREATMENT WHEN IT IS PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW.

S 3. Subparagraphs (G) and (H) of paragraph 4 of subsection (f) of section 4235 of the insurance law, as relettered by chapter 456 of the laws of 1993, are amended and a new subparagraph (I) is added to read as follows:

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

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(G) psychiatric or psychological services or for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments, however defined in such policy, a subscriber to such policy shall be entitled to reimbursement for such psychiatric or psychological services or diagnosis or treatment whether performed by a physician, psychiatrist or a certified and registered psychologist when the services rendered are within the lawful scope of their practice, and when such policy or any certificate issued thereunder is delivered or issued for delivery without this state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for such diagnosis and treatment by a physician, psychiatrist or a certified and registered psychologist as hereinabove provided; [and]

(H) any service which is within the lawful scope of practice of a licensed chiropractor, a subscriber to such policy shall be entitled to reimbursement for such service when such service is performed by a licensed chiropractor[.]; AND

(I) ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE, A SUBSCRIBER SHALL ALSO BE ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH SERVICE WHEN IT IS PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW.

S 4. Subparagraphs (J) and (K) of paragraph 1 of subsection (b) of section 4301 of the insurance law, as relettered by chapter 456 of the laws of 1993, are amended and a new subparagraph (L) is added to read as follows:

(J) necessary appliances, drugs, medicines and supplies, [and]

(K) bio-analytical or clinical laboratory examinations and reports thereof reported to a physician, osteopath, dentist, optometrist, podiatrist, chiropractor or physical therapist made by any privately operated bioanalytical or clinical laboratory[.], AND

(L) ACUPUNCTURE TREATMENTS PROVIDED THROUGH PERSONS LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW PROVIDED REIMBURSEMENT IS ALSO MADE FOR ACUPUNCTURE TREATMENTS PROVIDED THROUGH A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE.

S 5. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to policies and contracts issued, renewed, modified or amended on or after such effective date.