

1248

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. THOMPSON, KRUEGER, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing coverage for family members of children who require psychiatric or psychological services

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) (A) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSUR-
4 ANCE FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR PSYCHIATRIC
5 OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF MENTAL, NERVOUS
6 OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE AND PROVIDE
7 COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGHTEEN YEARS OF
8 AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS DETER-
9 MINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE STATE
10 INVOLVING ANY FAMILY MEMBER OF AN INSURED.

11 (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS
12 A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT
13 PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF
14 FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS
15 OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-
16 BLE POLICY OR CONTRACT.

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

19 (18) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE FOR
20 PSYCHIATRIC OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF
21 MENTAL, NERVOUS OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE
22 AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGH-
23 TEEN YEARS OF AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY

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

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1 SESSIONS DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFES-
2 SIONAL IN THE STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

3 (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS
4 A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT
5 PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF
6 FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS
7 OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-
8 BLE POLICY OR CONTRACT.

9 S 3. Subsection (i) of section 4303 of the insurance law, as amended
10 by chapter 230 of the laws of 2004, is amended to read as follows:

11 (i) A medical expense indemnity corporation or health service corpo-
12 ration which provides coverage for physicians, psychiatrists or psychol-
13 ogists for psychiatric or psychological services or for the diagnosis
14 and treatment of mental, nervous or emotional disorders and ailments,
15 however defined in such contract, must make available and if requested
16 by all persons holding individual contracts in a group whose premiums
17 are paid by a remitting agent or by the contract holder in the case of a
18 group contract issued pursuant to section four thousand three hundred
19 five of this article[,]: (A) provide the same coverage for such services
20 when performed by a licensed clinical social worker, within the lawful
21 scope of his or her practice, who is licensed pursuant to article one
22 hundred fifty-four of the education law. The state board for social work
23 shall maintain a list of all licensed clinical social workers qualified
24 for reimbursement under this subsection. Such coverage shall be made
25 available at the inception of all new contracts and, with respect to all
26 other contracts, at any anniversary date subject to evidence of insura-
27 bility. Written notice of the availability of such coverage shall be
28 delivered to the group remitting agent or group contract holder prior to
29 inception of such contract and annually thereafter, except that this
30 notice shall not be required where a policy covers two hundred or more
31 employees or where the benefit structure was the subject of collective
32 bargaining affecting persons who are employed in more than one state[.];
33 AND (B) MAKE AVAILABLE AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE
34 INSURED IS UNDER EIGHTEEN YEARS OF AGE.

35 (I) IN THIS SUBPARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS
36 DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE
37 STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

38 (II) THE COVERAGE REQUIRED BY THIS SUBPARAGRAPH SHALL INCLUDE TREAT-
39 MENT AS A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR
40 CONTRACT PROVIDED SUCH FAMILY MEMBER (1) DOES NOT EXCEED THE ALLOWABLE
41 NUMBER OF FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT,
42 AND (2) IS OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY
43 MEMBER'S APPLICABLE POLICY OR CONTRACT.

44 S 4. This act shall take effect on the one hundred twentieth day after
45 it shall have become a law, except that any rule or regulation necessary
46 for the timely implementation of this act on its effective date shall be
47 promulgated on or before such date.