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

2609

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. FLANAGAN -- 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 coverage and benefits of accident and health insurance policies for podiatric care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 2 of subsection (i) of section 3216 of the insurance law is amended to read as follows:

(2) If a policy provides for reimbursement for any podiatrical service within the lawful scope of practice of a licensed podiatrist, the insured shall be entitled to THE SAME reimbursement for such service whether it is performed by a physician or licensed podiatrist.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 15 to read as follows:

(15) EVERY POLICY WHICH PROVIDES COVERAGE FOR PODIATRIC CARE, AS DEFINED IN SECTION SEVEN THOUSAND ONE OF THE EDUCATION LAW, PROVIDED BY A DOCTOR OF PODIATRY LICENSED PURSUANT TO ARTICLE ONE HUNDRED FORTY-ONE OF THE EDUCATION LAW, MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAYMENT AND CO-INSURANCE AMOUNTS, REASONABLE FEE OR BENEFIT LIMITS AND REASONABLE UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS AND REVIEW: (A) SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER DISCRIMINATIVE AGAINST PODIATRIC CARE; AND (B) INDIVIDUALLY AND COLLECTIVELY SHALL BE NO DIFFERENT THAN THOSE APPLICABLE UNDER THAT SAME POLICY TO CARE OR SERVICES PROVIDED BY OTHER HEALTH PROFESSIONALS IN THE DIAGNOSIS, TREATMENT AND MANAGEMENT OF THE SAME OR SIMILAR CONDITIONS, DISORDERS OR INJURIES. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED AS IMPEDING OR PREVENTING EITHER THE PROVISION OR COVERAGE OF PODIATRIC CARE AND SERVICES BY DULY LICENSED DOCTORS OF PODIATRY WITHIN THE LAWFUL SCOPE OF PODIATRIC CARE IN HOSPITAL FACILITIES ON A STAFF OR EMPLOYEE BASIS.

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

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

(FF) EVERY CONTRACT ISSUED BY A HEALTH SERVICE CORPORATION OR A MEDICAL EXPENSE INDEMNITY CORPORATION THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE, THAT PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE, AND COVERAGE FOR PODIATRIC CARE AS DEFINED IN SECTION SEVEN THOUSAND ONE OF THE EDUCATION LAW, PROVIDED BY A DOCTOR OF PODIATRY LICENSED PURSUANT TO ARTICLE ONE HUNDRED FORTY-ONE OF THE EDUCATION LAW, MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAYMENT AND CO-INSURANCE AMOUNTS, REASONABLE FEE OR BENEFIT LIMITS AND REASONABLE UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS AND REVIEW: (1) SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER DISCRIMINATIVE AGAINST PODIATRIC CARE; AND (2) INDIVIDUALLY AND COLLECTIVELY SHALL BE NO DIFFERENT THAN THOSE APPLICABLE UNDER THE SAME POLICY TO CARE OR SERVICES PROVIDED BY OTHER HEALTH PROFESSIONALS IN THE DIAGNOSIS, TREATMENT AND MANAGEMENT OF THE SAME OR SIMILAR CONDITIONS, DISORDERS OR INJURIES. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS IMPEDING OR PREVENTING EITHER THE PROVISIONS OR COVERAGE OF PODIATRIC CARE AND SERVICES BY DULY LICENSED DOCTORS OF PODIATRY WITHIN THE LAWFUL SCOPE OF PODIATRIC CARE IN HOSPITAL FACILITIES ON A STAFF OR EMPLOYEE BASIS.

S 4. This act shall take effect on the first of January next succeeding the date on which 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.