

2907

2009-2010 Regular Sessions

I N S E N A T E

March 5, 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 requiring individual and group or blanket accident or health insurance policies and hospital service corporations, health service corporations, and medical indemnity corporations, which provide hospital, surgical or medical coverage to include coverage for the purchase of cranial prostheses when prescribed as medically necessary

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 INDIVIDUAL POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMI-
4 LAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE PURCHASE
5 OF CRANIAL PROSTHESES WORN FOR PERMANENT OR TEMPORARY HAIR LOSS SUFFERED
6 AS A RESULT OF ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH
7 CONDITIONS, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED
8 HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT
9 OF THE EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE TO SIGNIFY
10 HIS OR HER OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE
11 THE PATIENT'S PHYSICAL OR PSYCHOLOGICAL WELL-BEING OR TO PROMOTE THE
12 HEALING PROCESS.

13 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
14 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
15 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH
16 COVERAGE MAY BE LIMITED TO ONE CRANIAL PROSTHESIS PER COVERED PERSON FOR
17 THE LIFETIME OF THE POLICY.

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

20 (15) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES MAJOR MEDICAL OR
21 SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE

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

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1 PURCHASE OF CRANIAL PROSTHESES WORN FOR PERMANENT OR TEMPORARY HAIR LOSS
2 SUFFERED AS A RESULT OF ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF
3 SUCH CONDITIONS, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED
4 HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT
5 OF THE EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE TO SIGNIFY
6 HIS OR HER OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE
7 THE PATIENT'S PHYSICAL OR PSYCHOLOGICAL WELL-BEING OR TO PROMOTE THE
8 HEALING PROCESS.

9 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
10 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
11 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH
12 COVERAGE MAY BE LIMITED TO ONE CRANIAL PROSTHESIS PER COVERED PERSON FOR
13 THE LIFETIME OF THE POLICY.

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

16 (FF)(1) EVERY CONTRACT ISSUED BY A CORPORATION SUBJECT TO THE
17 PROVISIONS OF THIS ARTICLE WHICH PROVIDES MAJOR MEDICAL OR SIMILAR
18 COMPREHENSIVE-TYPE COVERAGE, SHALL INCLUDE COVERAGE FOR THE PURCHASE OF
19 CRANIAL PROSTHESES WORN FOR PERMANENT OR TEMPORARY HAIR LOSS SUFFERED AS
20 A RESULT OF ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH CONDI-
21 TIONS, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH
22 CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE
23 EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE TO SIGNIFY HIS OR
24 HER OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE
25 PATIENT'S PHYSICAL OR PSYCHOLOGICAL WELL-BEING OR TO PROMOTE THE HEALING
26 PROCESS.

27 (2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
28 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
29 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH
30 COVERAGE MAY BE LIMITED TO ONE CRANIAL PROSTHESIS PER COVERED PERSON FOR
31 THE LIFETIME OF THE POLICY.

32 S 4. This act shall take effect on the ninetieth day after it shall
33 have become a law and shall apply according to its terms to all poli-
34 cies, contracts and certificates issued, renewed, modified, altered or
35 amended on or after such date.