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

36

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. FUSCHILLO -- 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 mandatory health insurance coverage for cerebral palsy

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 26 to read as follows:

(26)(A) EVERY POLICY WHICH PROVIDES HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE COVERAGE FOR CEREBRAL PALSY AND SHALL NOT EXCLUDE COVERAGE PRESCRIBED BY THE REFERRING PHYSICIAN FOR THE TREATMENT OF CEREBRAL PALSY, INCLUDING, BUT NOT LIMITED TO, COVERAGE FOR THERAPEUTIC EVALUATIONS AND INTERVENTIONS, SUCH AS SPEECH THERAPY, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, INTENSIVE EARLY INTERVENTION, AND BEHAVIORAL AND EDUCATIONAL INTERVENTION PROGRAMS.

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

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

(18)(A) EVERY POLICY WHICH PROVIDES HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE COVERAGE FOR CEREBRAL PALSY AND SHALL NOT EXCLUDE COVERAGE PRESCRIBED BY THE REFERRING PHYSICIAN FOR THE TREATMENT OF CEREBRAL PALSY, INCLUDING, BUT NOT LIMITED TO, COVERAGE FOR THERAPEUTIC EVALUATIONS AND INTERVENTIONS, SUCH AS SPEECH THERAPY, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, INTENSIVE EARLY INTERVENTION, AND BEHAVIORAL AND EDUCATIONAL INTERVENTION PROGRAMS.

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

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)(1) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL COVERAGE SHALL PROVIDE COVERAGE FOR CEREBRAL PALSY AND SHALL NOT EXCLUDE COVERAGE PRESCRIBED BY THE REFERRING PHYSICIAN FOR THE TREATMENT OF CEREBRAL PALSY, INCLUDING, BUT NOT LIMITED TO, COVERAGE FOR THERAPEUTIC EVALUATIONS AND INTERVENTIONS, SUCH AS SPEECH THERAPY, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, INTENSIVE EARLY INTERVENTION, AND BEHAVIORAL AND EDUCATIONAL INTERVENTION PROGRAMS.

(2) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to all policies issued, renewed, modified, or altered on or after such date.