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

4228

2009-2010 Regular Sessions

I N S E N A T E

April 17, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to providing coverage for reproductive health services to enrollees of medicaid, family health plus and child health plus

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

Section 1. Subdivision 7 of section 2510 of the public health law, as amended by chapter 645 of the laws of 2005, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; inpatient health care services; laboratory tests; diagnostic x-rays; prescription and non-prescription drugs and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; emergency room services; hospice services; REPRODUCTIVE HEALTH CARE SERVICES AS DEFINED IN PARAGRAPH (Z) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW; emergency, preventive and routine dental care, except orthodontia and cosmetic surgery; emergency, preventive and routine vision care, including eyeglasses; speech and hearing services; and, inpatient and outpatient mental health, alcohol and substance abuse services as defined by the commissioner in consultation with the superintendent. "Covered health care services" shall not include drugs, procedures and supplies for the treatment of erectile dysfunction when provided to, or prescribed for use by, a person who is required to register as a sex offender pursuant to article six-C of the correction law, provided that any denial of coverage of such drugs, procedures or supplies shall provide the patient with the means of

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

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obtaining additional information concerning both the denial and the means of challenging such denial.

S 2. Paragraph a of subdivision 7 of section 2510 of the public health law, as amended by chapter 526 of the laws of 2002, is amended to read as follows:

a. "Primary and preventive health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; laboratory tests; diagnostic x-rays; prescription drugs; radiation therapy; chemotherapy; hemodialysis; emergency room services; hospice services; REPRODUCTIVE HEALTH CARE SERVICES AS DEFINED IN PARAGRAPH (Z) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW; and, outpatient alcohol and substance abuse services as defined by the commissioner in consultation with the superintendent.

S 3. Subdivision 1 of section 364-j of the social services law is amended by adding a new paragraph (z) to read as follows:

(Z) "REPRODUCTIVE HEALTH CARE SERVICES". HEALTH CARE PROCEDURES, TREATMENTS, DRUGS, SUPPLIES OR SERVICES THAT ARE PART OF OR RELATED TO REPRODUCTIVE HEALTH CARE, INCLUDING, BUT NOT LIMITED TO: FAMILY PLANNING CARE AND SERVICES; BIRTH CONTROL COUNSELING; CONTRACEPTIVE DRUGS AND DEVICES; SEXUALLY TRANSMITTED DISEASE EDUCATION, TESTING AND TREATMENT; HIV PRE- AND POST-TEST COUNSELING AND TESTING; ABORTION; ABORTION COUNSELING AND REFERRAL; SCREENING, DIAGNOSIS AND REFERRAL FOR PREGNANCY; SCREENING, RELATED DIAGNOSIS, AMBULATORY TREATMENT AND REFERRAL AS NEEDED FOR DYSMENORRHEA, CERVICAL CANCER, GLYCOSURIA, PROTEINURIA, HYPERTENSION, BREAST DISEASE OR ANY PELVIC ABNORMALITY OR PATHOLOGY; EMERGENCY CONTRACEPTION; AND STERILIZATION.

S 4. Subdivision 4 of section 364-j of the social services law is amended by adding a new paragraph (u) to read as follows:

(U) A MANAGED CARE PROVIDER SHALL PROVIDE OR ARRANGE FOR DIRECTLY ALL REPRODUCTIVE HEALTH CARE SERVICES AS DEFINED IN THIS SECTION.

S 5. Subparagraphs (xv) and (xvi) of paragraph (e) of subdivision 1 of section 369-ee of the social services law, subparagraph (xv) as amended and subparagraph (xvi) as added by chapter 526 of the laws of 2002, are amended and a new subparagraph (xvii) is added to read as follows:

(xv) services provided to meet the requirements of 42 U.S.C. 1396d(r); [and]

(xvi) hospice services[.]; AND

(XVII) REPRODUCTIVE HEALTH CARE SERVICES, AS DEFINED IN PARAGRAPH (Z) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THIS ARTICLE.

S 6. Paragraph (d) of subdivision 3 of section 369-ee of the social services law is amended by adding a new subparagraph (vii) to read as follows:

(VII) A FAMILY HEALTH INSURANCE PLAN SHALL PROVIDE OR ARRANGE FOR DIRECTLY ALL REPRODUCTIVE HEALTH CARE SERVICES AS DEFINED IN PARAGRAPH (Z) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THIS ARTICLE.

S 7. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 8. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subdivision 7 of section 2510 of the public health law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 47 of chapter 2 of the laws of 1998, as amended, when upon such date the provisions of section two of this act shall take effect; and provided, further, that the amendments to section 364-j of the social services law made by sections three and four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.