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

4490--A

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sens. DUANE, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to reimbursement for nurse practitioners

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 27 to read as follows:

(27) EVERY POLICY WHICH PROVIDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE, AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE THE SAME COVERAGE FOR SUCH SERVICES WHEN PERFORMED BY A NURSE PRACTITIONER WITHIN THE LAWFUL SCOPE OF HIS OR HER PRACTICE AND CONSISTENT WITH ANY APPLICABLE WRITTEN PRACTICE AGREEMENT, WHO IS CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE AND AS ARE CONSISTENT WITH OTHER BENEFITS COVERED UNDER THE POLICY.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 16 to read as follows:

(16) EVERY POLICY WHICH PROVIDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE, AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE THE SAME COVERAGE FOR SUCH SERVICES WHEN PERFORMED BY A NURSE PRACTITIONER WITHIN THE LAWFUL SCOPE OF HIS OR HER PRACTICE AND CONSISTENT WITH ANY APPLICABLE WRITTEN PRACTICE AGREEMENTS, WHO IS CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE AND AS ARE CONSISTENT WITH OTHER BENEFITS COVERED UNDER THE POLICY.

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

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S 3. Subparagraphs (G) and (H) of paragraph 4 of subsection (f) of section 4235 of the insurance law, as relettered by chapter 456 of the laws of 1993, are amended and a new subparagraph (I) is added to read as follows:

(G) psychiatric or psychological services or for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments, however defined in such policy, a subscriber to such policy shall be entitled to reimbursement for such psychiatric or psychological services or diagnosis or treatment whether performed by a physician, psychiatrist or a certified and registered psychologist when the services rendered are within the lawful scope of their practice, and when such policy or any certificate issued thereunder is delivered or issued for delivery without this state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for such diagnosis and treatment by a physician, psychiatrist or a certified and registered psychologist as hereinabove provided; [and]

(H) any service which is within the lawful scope of practice of a licensed chiropractor, a subscriber to such policy shall be entitled to reimbursement for such service when such service is performed by a licensed chiropractor[.]; AND

(I) ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A CERTIFIED NURSE PRACTITIONER, A SUBSCRIBER TO SUCH POLICY SHALL BE ENTITLED TO REIMBURSEMENT FOR SUCH SERVICE WHEN SAID SERVICE IS PERFORMED BY A CERTIFIED NURSE PRACTITIONER.

S 4. Section 4303 of the insurance law is amended by adding a new subsection (gg) to read as follows:

(GG) EVERY CONTRACT ISSUED BY A HEALTH SERVICE CORPORATION OR A MEDICAL EXPENSE INDEMNITY CORPORATION WHICH PROVIDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE, AND EVERY CONTRACT WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE, SHALL PROVIDE THE SAME COVERAGE FOR SUCH SERVICES WHEN PERFORMED BY A NURSE PRACTITIONER WITHIN THE LAWFUL SCOPE OF HIS OR HER PRACTICE AND CONSISTENT WITH ANY APPLICABLE WRITTEN PRACTICE AGREEMENTS, WHO IS CERTIFIED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE AND AS ARE CONSISTENT WITH OTHER BENEFITS COVERED UNDER THE POLICY.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.