

5691

2009-2010 Regular Sessions

I N S E N A T E

May 28, 2009

Introduced by Sen. FOLEY -- 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 insurance coverage for certain cancer patients

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) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR
4 COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE
5 PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREAT-
6 MENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION
7 OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED
8 TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A
9 PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY
10 STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE
11 UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSUR-
12 ANCE AND THE EJACULATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE
13 AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES
14 MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A
15 MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL
16 INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.
17 S 2. Subsection (1) of section 3221 of the insurance law is amended by
18 adding a new paragraph 18 to read as follows:
19 (18) EVERY INSURER ISSUING A GROUP POLICY FOR DELIVERY IN THIS STATE
20 WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE
21 COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE PATIENTS, WHO MAY BECOME
22 INVOLUNTARILY STERILE AS A RESULT OF THE TREATMENT OF ANY CANCER, TO
23 STORE UP TO FOUR EJACULATES BEFORE THE INITIATION OF THAT TREATMENT.
24 TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED TO RADIATION,
25 CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A PHYSICIAN FOR

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

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1 THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY STERILIZATION.
2 SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE UNDERLYING MEDICAL
3 CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSURANCE AND THE EJACU-
4 LATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE AMERICAN ASSOCI-
5 ATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES MUST ALSO HAVE
6 DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A MINIMUM OF TEN
7 YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL INSURANCE UNTIL SUCH
8 PATIENT ATTAINS THE AGE OF FIFTY YEARS.

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

11 (FF) EVERY CONTRACT ISSUED BY A HEALTH SERVICES CORPORATION OR MEDICAL
12 EXPENSE INDEMNITY CORPORATION WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR
13 SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE
14 PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREAT-
15 MENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION
16 OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED
17 TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A
18 PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY
19 STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE
20 UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSUR-
21 ANCE AND THE EJACULATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE
22 AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES
23 MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A
24 MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL
25 INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.

26 S 4. This act shall take effect immediately.