

6866

I N S E N A T E

February 18, 2010

Introduced by Sen. PARKER -- 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 coverage under the Healthy New York program for mental illness

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

1 Section 1. The opening paragraph of subparagraph (A) of paragraph 5 of
2 subsection (1) of section 3221 of the insurance law, as amended by chap-
3 ter 502 of the laws of 2007, is amended to read as follows:

4 Every insurer delivering a group or school blanket policy OR A GROUP
5 OR INDIVIDUAL POLICY PURSUANT TO SECTION FOUR THOUSAND THREE HUNDRED
6 TWENTY-SIX OF THIS CHAPTER or issuing a group or school blanket policy
7 OR A GROUP OR INDIVIDUAL POLICY PURSUANT TO SECTION FOUR THOUSAND THREE
8 HUNDRED TWENTY-SIX OF THIS CHAPTER for delivery, in this state, which
9 provides coverage for inpatient hospital care or coverage for physician
10 services shall provide as part of such policy broad-based coverage for
11 the diagnosis and treatment of mental, nervous or emotional disorders or
12 ailments, however defined in such policy, at least equal to the coverage
13 provided for other health conditions and:

14 S 2. Item (i) of subparagraph (B) of paragraph 5 of subsection (1) of
15 section 3221 of the insurance law, as amended by chapter 502 of the laws
16 of 2007, is amended to read as follows:

17 (i) Every insurer delivering a group or school blanket policy OR A
18 GROUP OR INDIVIDUAL POLICY PURSUANT TO SECTION FOUR THOUSAND THREE
19 HUNDRED TWENTY-SIX OF THIS CHAPTER or issuing a group or school blanket
20 policy OR A GROUP OR INDIVIDUAL POLICY PURSUANT TO SECTION FOUR THOUSAND
21 THREE HUNDRED TWENTY-SIX OF THIS CHAPTER for delivery, in this state,
22 which provides coverage for inpatient hospital care or coverage for
23 physician services, shall provide comparable coverage for adults and
24 children with biologically based mental illness. Such group policies
25 issued or delivered in this state shall also provide such comparable
26 coverage for children with serious emotional disturbances. Such coverage
27 shall be provided under the terms and conditions otherwise applicable
28 under the policy, including network limitations or variations, exclu-

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

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1 sions, co-pays, coinsurance, deductibles or other specific cost sharing
2 mechanisms. Provided further, where a policy provides both in-network
3 and out-of-network benefits, the out-of-network benefits may have
4 different coinsurance, co-pays, or deductibles, than the in-network
5 benefits, regardless of whether the policy is written under one license
6 or two licenses.

7 S 3. Subparagraph (D) of paragraph 5 of subsection (l) of section 3221
8 of the insurance law, as amended by chapter 502 of the laws of 2007,
9 item (ii) as amended by section 1 of part A of chapter 503 of the laws
10 of 2009, is amended to read as follows:

11 (D) [(i) The provisions of subparagraph (B) of this paragraph shall
12 not apply to any group purchaser with fifty or fewer employees that is a
13 policyholder of a policy that is subject to the provisions of this
14 section; provided however that an insurer must make available, and if
15 requested by such group purchaser, provide the coverage as specified in
16 subparagraph (B) of this paragraph. Written notice of the availability
17 of the coverage shall be delivered to the policyholder prior to incep-
18 tion of the group policy and annually thereafter.

19 (ii)] The superintendent shall develop and implement a methodology to
20 cover the cost to any [such] INDIVIDUAL PURCHASER OR group purchaser
21 WITH FIFTY OR FEWER EMPLOYEES THAT IS A POLICYHOLDER OF A POLICY THAT IS
22 SUBJECT TO THE PROVISIONS OF THIS SECTION for providing the coverage
23 required in subparagraph (A) of this paragraph. Such methodology shall
24 be financed from moneys appropriated from the General Fund that shall be
25 made available to the superintendent for such purposes, to the extent of
26 funds available.

27 S 4. The opening paragraph of paragraph 1 of subsection (g) of section
28 4303 of the insurance law, as amended by chapter 502 of the laws of
29 2007, is amended to read as follows:

30 A hospital service corporation or a health service corporation, which
31 provides group, group remittance or school blanket coverage OR GROUP OR
32 INDIVIDUAL COVERAGE PURSUANT TO SECTION FOUR THOUSAND THREE HUNDRED
33 TWENTY-SIX OF THIS ARTICLE for inpatient hospital care, shall provide as
34 part of its contract broad-based coverage for the diagnosis and treat-
35 ment of mental, nervous or emotional disorders or ailments, however
36 defined in such contract, at least equal to the coverage provided for
37 other health conditions and shall include:

38 S 5. Subparagraph (A) of paragraph 2 of subsection (g) of section 4303
39 of the insurance law, as amended by chapter 502 of the laws of 2007, is
40 amended to read as follows:

41 (A) A hospital service corporation or a health service corporation,
42 which provides group, group remittance or school blanket coverage OR
43 GROUP OR INDIVIDUAL COVERAGE PURSUANT TO SECTION FOUR THOUSAND THREE
44 HUNDRED TWENTY-SIX OF THIS ARTICLE for inpatient hospital care, shall
45 provide comparable coverage for adults and children with biologically
46 based mental illness. Such hospital service corporation or health
47 service corporation shall also provide such comparable coverage for
48 children with serious emotional disturbances. Such coverage shall be
49 provided under the terms and conditions otherwise applicable under the
50 contract, including network limitations or variations, exclusions,
51 co-pays, coinsurance, deductibles or other specific cost sharing mech-
52 anisms. Provided further, where a contract provides both in-network and
53 out-of-network benefits, the out-of-network benefits may have different
54 coinsurance, co-pays, or deductibles, than the in-network benefits,
55 regardless of whether the contract is written under one license or two
56 licenses.

1 S 6. Paragraph 4 of subsection (g) of section 4303 of the insurance
2 law, as amended by chapter 502 of the laws of 2007, subparagraph (B) as
3 amended by section 2 of part A of chapter 503 of the laws of 2009, is
4 amended to read as follows:

5 (4) [(A) The provisions of paragraph two of this subsection shall not
6 apply to any group remittance group or group contract holder with fifty
7 or fewer employees who is a group remittance group or group contract
8 holder of a policy that is subject to the provisions of this section;
9 provided however that a hospital service corporation or health service
10 corporation must make available, and if requested by such group remit-
11 ting agent or group contract holder, provide the coverage as specified
12 in paragraph two of this subsection. Written notice of the availability
13 of such coverage shall be delivered to the remitting agent or group
14 contract holder prior to inception of such contract and annually there-
15 after.

16 (B)] The superintendent shall develop and implement a methodology to
17 cover the cost to any [such] INDIVIDUAL CONTRACT HOLDER OR group
18 contract holder WITH FIFTY OR FEWER EMPLOYEES THAT IS A GROUP REMITTANCE
19 GROUP OR GROUP CONTRACT HOLDER OF A POLICY THAT IS SUBJECT TO THE
20 PROVISIONS OF THIS SECTION for providing the coverage required in para-
21 graph one of this subsection. Such methodology shall be financed from
22 moneys appropriated from the General Fund that shall be made available
23 to the superintendent for such purposes, to the extent of funds avail-
24 able.

25 S 7. Paragraph 1 of subsection (h) of section 4303 of the insurance
26 law, as amended by chapter 502 of the laws of 2007, is amended to read
27 as follows:

28 (1) A medical expense indemnity corporation or a health service corpo-
29 ration, which provides group, group remittance or school blanket cover-
30 age OR GROUP OR INDIVIDUAL COVERAGE PURSUANT TO SECTION FOUR THOUSAND
31 THREE HUNDRED TWENTY-SIX OF THIS ARTICLE for physician services, shall
32 provide as part of its contract broad-based coverage for the diagnosis
33 and treatment of mental, nervous or emotional disorders or ailments,
34 however defined in such contract, at least equal to the coverage
35 provided for other health conditions and shall include: benefits for
36 outpatient care provided by a psychiatrist or psychologist licensed to
37 practice in this state, a licensed clinical social worker who meets the
38 requirements of subsection (n) of this section, or a professional corpo-
39 ration or university faculty practice corporation thereof, which bene-
40 fits may be limited to not less than twenty visits in any contract year,
41 plan year or calendar year. Such coverage may be provided on a contract
42 year, plan year or calendar year basis and shall be consistent with the
43 provision of other benefits under the contract. Such coverage may be
44 subject to annual deductibles, co-pays and coinsurance as may be deemed
45 appropriate by the superintendent and shall be consistent with those
46 imposed on other benefits under the contract. In the event the group
47 remittance group or contract holder is provided coverage provided under
48 this paragraph and under subparagraph (B) of paragraph one of subsection
49 (g) of this section from the same health service corporation, or under a
50 contract which is jointly underwritten by two health service corpo-
51 rations or by a health service corporation and a medical expense indem-
52 nity corporation, the aggregate of the benefits for out-patient care
53 obtained under subparagraph (B) of paragraph one of subsection (g) of
54 this section and this paragraph may be limited to not less than twenty
55 visits in any contract year, plan year or calendar year.

1 S 8. Subparagraph (A) of paragraph 2 of subsection (h) of section 4303
2 of the insurance law, as amended by chapter 502 of the laws of 2007, is
3 amended to read as follows:

4 (A) A medical expense indemnity corporation or a health service corpo-
5 ration, which provides group, group remittance or school blanket cover-
6 age OR GROUP OR INDIVIDUAL COVERAGE PURSUANT TO SECTION FOUR THOUSAND
7 THREE HUNDRED TWENTY-SIX OF THIS ARTICLE for physician services, shall
8 provide comparable coverage for adults and children with biologically
9 based mental illness. Such medical expense indemnity corporation or
10 health service corporation shall also provide such comparable coverage
11 for children with serious emotional disturbances. Such coverage shall be
12 provided under the terms and conditions otherwise applicable under the
13 contract, including network limitations or variations, exclusions,
14 co-pays, coinsurance, deductibles or other specific cost sharing mech-
15 anisms. Provided further, where a contract provides both in-network and
16 out-of-network benefits, the out-of-network benefits may have different
17 coinsurance, co-pays, or deductibles, than the in-network benefits,
18 regardless of whether the contract is written under one license or two
19 licenses.

20 S 9. Paragraph 4 of subsection (h) of section 4303 of the insurance
21 law, as amended by chapter 502 of the laws of 2007, subparagraph (B) as
22 amended by section 3 of part A of chapter 503 of the laws of 2009, is
23 amended to read as follows:

24 (4) [(A) The provisions of paragraph two of this subsection shall not
25 apply to any group remittance group or group contract holder with fifty
26 or fewer employees who is a group remittance group or group contract
27 holder of a contract that is subject to the provisions of this section;
28 provided, however, that a hospital service corporation or health service
29 corporation must make available, and if requested by such group remit-
30 ting agent or group contract holder, provide the coverage as specified
31 in paragraph two of this subsection. Written notice of the availability
32 of the coverage shall be delivered to the group remitting agent or group
33 contract holder prior to inception of such contract and annually there-
34 after.

35 (B)] The superintendent shall develop and implement a methodology to
36 cover the cost to any [such] group remittance group and INDIVIDUAL
37 CONTRACT HOLDER OR group contract holder WITH FIFTY OR FEWER EMPLOYEES
38 THAT IS A GROUP REMITTANCE GROUP OR GROUP CONTRACT HOLDER OF A POLICY
39 THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION for providing the
40 coverage required in paragraph one of this subsection. Such methodology
41 shall be financed from moneys appropriated from the General Fund that
42 shall be made available to the superintendent for such purposes, to the
43 extent of funds available.

44 S 10. This act shall take effect immediately.