

7498

I N S E N A T E

April 15, 2010

Introduced by Sens. SAVINO, 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 reimbursement for services performed by a person certified or licensed to perform acupuncture

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 27 to read as follows:

3 (27) IF A POLICY PROVIDES FOR REIMBURSEMENT FOR ACUPUNCTURE TREATMENT  
4 WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE OF PRACTICE OF A PHYSICIAN OR  
5 DENTIST LICENSED TO PRACTICE IN THIS STATE, AN INSURED SHALL ALSO BE  
6 ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH TREATMENT WHEN IT IS PERFORMED  
7 BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED  
8 FOURTEEN OF THE EDUCATION LAW.

9 S 2. Subsection (1) of section 3221 of the insurance law is amended by  
10 adding a new paragraph 18 to read as follows:

11 (18) EVERY INSURER DELIVERING A GROUP OR BLANKET POLICY OR ISSUING A  
12 GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES COVER-  
13 AGE FOR ACUPUNCTURE TREATMENT WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE  
14 OF PRACTICE OF A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS  
15 STATE, SHALL ALSO PROVIDE EQUAL COVERAGE FOR SUCH TREATMENT WHEN IT IS  
16 PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO  
17 HUNDRED FOURTEEN OF THE EDUCATION LAW.

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

22 (G) psychiatric or psychological services or for the diagnosis and  
23 treatment of mental, nervous, or emotional disorders or ailments, howev-  
24 er defined in such policy, a subscriber to such policy shall be entitled  
25 to reimbursement for such psychiatric or psychological services or diag-  
26 nosis or treatment whether performed by a physician, psychiatrist or a  
27 certified and registered psychologist when the services rendered are

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

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1 within the lawful scope of their practice, and when such policy or any  
2 certificate issued thereunder is delivered or issued for delivery with-  
3 out this state by an authorized insurer, covered persons residing in  
4 this state shall be entitled to reimbursement for such diagnosis and  
5 treatment by a physician, psychiatrist or a certified and registered  
6 psychologist as hereinabove provided; [and]

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

11 (I) ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A  
12 PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE, A SUBSCRIBER  
13 SHALL ALSO BE ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH SERVICE WHEN IT  
14 IS PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO  
15 HUNDRED FOURTEEN OF THE EDUCATION LAW.

16 S 4. Subparagraphs (J) and (K) of paragraph 1 of subsection (b) of  
17 section 4301 of the insurance law, as relettered by chapter 456 of the  
18 laws of 1993, are amended and a new subparagraph (L) is added to read as  
19 follows:

20 (J) necessary appliances, drugs, medicines and supplies, [and]

21 (K) bio-analytical or clinical laboratory examinations and reports  
22 thereof reported to a physician, osteopath, dentist, optometrist, podia-  
23 trist, chiropractor or physical therapist made by any privately operated  
24 bioanalytical or clinical laboratory[.], AND

25 (L) ACUPUNCTURE TREATMENTS PROVIDED THROUGH PERSONS LICENSED PURSUANT  
26 TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW  
27 PROVIDED REIMBURSEMENT IS ALSO MADE FOR ACUPUNCTURE TREATMENTS PROVIDED  
28 THROUGH A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE.

29 S 5. This act shall take effect on the sixtieth day after it shall  
30 have become a law and shall apply to policies and contracts issued,  
31 renewed, modified or amended on or after such effective date.