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I N S E N A T E

May 11, 2010

Introduced by Sen. DUANE -- 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 providing certain coverage for diagnosis and treatment of chemical abuse and chemical dependence

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

1 Section 1. Paragraph 6 of subsection (1) of section 3221 of the insurance law, as amended by chapter 558 of the laws of 1999, is amended to
2 read as follows:
3 (6) (A) Every insurer delivering a group or school blanket policy or
4 issuing a group or school blanket policy for delivery, in this state,
5 which provides coverage for inpatient hospital care [must make available
6 and, if requested by the policyholder,] OR COVERAGE FOR PHYSICIAN
7 SERVICES SHALL provide AS PART OF SUCH POLICY BROAD-BASED coverage for
8 the diagnosis and treatment of chemical abuse and chemical dependence,
9 however defined in such policy, AT LEAST EQUAL TO THE COVERAGE PROVIDED
10 FOR OTHER HEALTH CONDITIONS, provided, however, that the term chemical
11 abuse shall mean and include alcohol and substance abuse and chemical
12 dependence shall mean and include alcoholism and substance dependence,
13 however defined in such policy. [Written notice of the availability of
14 such coverage shall be delivered to the policyholder prior to inception
15 of such group policy and annually thereafter, except that this notice
16 shall not be required where a policy covers two hundred or more employees
17 or where the benefit structure was the subject of collective
18 bargaining affecting persons who are employed in more than one state.]
19 (B) Such coverage shall, WHERE THE POLICY PROVIDES COVERAGE FOR INPATIENT
20 HOSPITAL CARE, be at least equal to the following:
21 (i) with respect to benefits for detoxification as a consequence of
22 chemical dependence, inpatient benefits in a hospital or a detoxification
23 facility may not be limited to less than seven days of active
24 treatment in any CONTRACT YEAR, PLAN YEAR, OR calendar year; and
25

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

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1 (ii) with respect to benefits for rehabilitation services, such bene-
2 fits may not be limited to less than thirty days of inpatient care in
3 any calendar year.

4 (C) Such coverage may be limited to facilities in New York state which
5 are certified by the office of alcoholism and substance abuse services
6 and, in other states, to those which are accredited by the joint commis-
7 sion on accreditation of hospitals as alcoholism, substance abuse or
8 chemical dependence treatment programs.

9 (D) Such coverage shall be [made available] PROVIDED at the inception
10 of all new policies and with respect to all other policies at any anni-
11 versary date of the policy [subject to evidence of insurability].

12 (E) Such coverage may be subject to annual deductibles, CO-PAYS and
13 co-insurance as may be deemed appropriate by the superintendent and are
14 consistent with those imposed on other benefits [within a given] UNDER
15 THE policy. [Further, each insurer shall report to the superintendent
16 each year the number of contract holders to whom it has issued policies
17 for the inpatient treatment of chemical dependence, and the approximate
18 number of persons covered by such policies] IN THE EVENT THAT A POLICY
19 PROVIDES COVERAGE FOR BOTH INPATIENT HOSPITAL CARE AND PHYSICIAN
20 SERVICES, THE AGGREGATE OF THE BENEFITS FOR OUTPATIENT CARE OBTAINED
21 UNDER THIS PARAGRAPH MAY BE LIMITED TO NOT LESS THAN SIXTY VISITS IN ANY
22 CONTRACT YEAR, PLAN YEAR OR CALENDAR YEAR.

23 (F) Such coverage shall not replace, restrict or eliminate existing
24 coverage provided by the policy.

25 (G) THE SUPERINTENDENT SHALL DEVELOP AND IMPLEMENT A METHODOLOGY TO
26 FULLY COVER THE COST TO ANY GROUP PURCHASER WITH FIFTY OR FEWER EMPLOY-
27 EES THAT IS A POLICYHOLDER OF A POLICY THAT IS SUBJECT TO THE PROVISIONS
28 OF THIS SECTION FOR PROVIDING THE COVERAGE REQUIRED IN THIS PARAGRAPH
29 AND PARAGRAPH SEVEN OF THIS SUBSECTION. SUCH METHODOLOGY SHALL BE
30 FINANCED FROM FUNDS FROM THE GENERAL FUND THAT SHALL BE MADE AVAILABLE
31 TO THE SUPERINTENDENT FOR SUCH PURPOSE.

32 S 2. Paragraph 7 of subsection (1) of section 3221 of the insurance
33 law, as amended by chapter 565 of the laws of 2000, is amended to read
34 as follows:

35 (7) Every insurer delivering a group or school blanket policy or issu-
36 ing a group or school blanket policy for delivery in this state which
37 provides coverage for inpatient hospital care [must] OR COVERAGE FOR
38 PHYSICIAN SERVICES SHALL provide AS PART OF SUCH POLICY coverage for at
39 least sixty outpatient visits in any CONTRACT YEAR, PLAN YEAR OR calen-
40 dar year for the diagnosis and treatment of chemical dependence of which
41 up to twenty may be for family members, except that this provision shall
42 not apply to a policy which covers persons employed in more than one
43 state or the benefit structure of which was the subject of collective
44 bargaining affecting persons who are employed in more than one state.
45 Such coverage may be limited to facilities in New York state certified
46 by the office of alcoholism and substance abuse services or licensed by
47 such office as outpatient clinics or medically supervised ambulatory
48 substance abuse programs and, in other states, to those which are
49 accredited by the joint commission on accreditation of hospitals as
50 alcoholism or chemical dependence treatment programs. WHERE THE POLICY
51 PROVIDES COVERAGE FOR PHYSICIAN SERVICES, IT SHALL INCLUDE BENEFITS FOR
52 OUTPATIENT CARE PROVIDED BY A PSYCHIATRIST OR PSYCHOLOGIST LICENSED TO
53 PRACTICE IN THIS STATE, A LICENSED CLINICAL SOCIAL WORKER WHO MEETS THE
54 REQUIREMENTS OF SUBPARAGRAPH (D) OF PARAGRAPH FOUR OF THIS SUBSECTION,
55 OR A PROFESSIONAL CORPORATION OR UNIVERSITY FACULTY PRACTICE CORPORATION
56 THEREOF. Such coverage may be subject to annual deductibles, CO-PAYS and

1 co-insurance as may be deemed appropriate by the superintendent and
2 [are] SHALL BE consistent with those imposed on other benefits [within a
3 given] UNDER THE policy. IN THE EVENT THAT A POLICY PROVIDES COVERAGE
4 FOR BOTH INPATIENT HOSPITAL CARE AND PHYSICIAN SERVICES, THE AGGREGATE
5 OF THE BENEFITS FOR OUTPATIENT CARE OBTAINED UNDER THIS PARAGRAPH MAY BE
6 LIMITED TO NOT LESS THAN SIXTY VISITS IN ANY CONTRACT YEAR, PLAN YEAR OR
7 CALENDAR YEAR. Such coverage shall not replace, restrict, or eliminate
8 existing coverage provided by the policy. Except as otherwise provided
9 in the applicable policy or contract, no insurer delivering a group or
10 school blanket policy or issuing a group or school blanket policy
11 providing coverage for alcoholism or substance abuse services pursuant
12 to this section shall deny coverage to a family member who identifies
13 [themselves] HIMSELF OR HERSELF as a family member of a person suffering
14 from the disease of alcoholism, substance abuse or chemical dependency
15 and who seeks treatment as a family member who is otherwise covered by
16 the applicable policy or contract pursuant to this section. The coverage
17 required by this paragraph shall include treatment as a family member
18 pursuant to such family members' own policy or contract provided such
19 family member (i) does not exceed the allowable number of family visits
20 provided by the applicable policy or contract pursuant to this section,
21 and (ii) is otherwise entitled to coverage pursuant to this section and
22 such family members' applicable policy or contract.

23 S 3. Subsection (k) of section 4303 of the insurance law, as amended
24 by chapter 558 of the laws of 1999, is amended to read as follows:

25 (k) A hospital service corporation or a health service corporation
26 which provides group, group remittance or school blanket coverage for
27 inpatient hospital care [must make available and if requested by the
28 contract holder] SHALL provide AS PART OF ITS CONTRACT BROAD-BASED
29 coverage for the diagnosis and treatment of chemical abuse and chemical
30 dependence, however defined in such policy, AT LEAST EQUAL TO THE COVER-
31 AGE PROVIDED FOR OTHER HEALTH CONDITIONS, provided, however, that the
32 term chemical abuse shall mean and include alcohol and substance abuse
33 and chemical dependence shall mean and include alcoholism and substance
34 dependence, however defined in such policy, except that this provision
35 shall not apply to a policy which covers persons employed in more than
36 one state or the benefit structure of which was the subject of collec-
37 tive bargaining affecting persons who are employed in more than one
38 state. Such coverage shall be at least equal to the following: (1) with
39 respect to benefits for detoxification as a consequence of chemical
40 dependence, inpatient benefits for care in a hospital or detoxification
41 facility may not be limited to less than seven days of active treatment
42 in any CONTRACT YEAR, PLAN YEAR OR calendar year; and (2) with respect
43 to benefits for inpatient rehabilitation services, such benefits may not
44 be limited to less than thirty days of inpatient rehabilitation in a
45 hospital based or free standing chemical dependence facility in any
46 CONTRACT YEAR, PLAN YEAR OR calendar year. Such coverage may be limited
47 to facilities in New York state which are certified by the office of
48 alcoholism and substance abuse services and, in other states, to those
49 which are accredited by the joint commission on accreditation of hospi-
50 tals as alcoholism, substance abuse, or chemical dependence treatment
51 programs. Such coverage [shall be made available at the inception of all
52 new policies and with respect to policies issued before the effective
53 date of this subsection at the first annual anniversary date thereafter,
54 without evidence of insurability and at any subsequent annual anniver-
55 sary date subject to evidence of insurability] MAY BE PROVIDED ON A
56 CONTRACT YEAR, PLAN YEAR OR CALENDAR YEAR BASIS AND SHALL BE CONSISTENT

1 WITH THE PROVISIONS OF OTHER BENEFITS UNDER THE CONTRACT. Such coverage
2 may be subject to annual deductibles, CO-PAYS and co-insurance as may be
3 deemed appropriate by the superintendent and are consistent with those
4 imposed on other benefits [within a given policy. Further, each hospital
5 service corporation or health service corporation shall report to the
6 superintendent each year the number of contract holders to whom it has
7 issued policies for the inpatient treatment of chemical dependence, and
8 the approximate number of persons covered by such policies] UNDER THE
9 CONTRACT. Such coverage shall not replace, restrict or eliminate exist-
10 ing coverage provided by the policy. [Written notice of the availability
11 of such coverage shall be delivered to the group remitting agent or
12 group contract holder prior to inception of such contract and annually
13 thereafter, except that this notice shall not be required where a policy
14 covers two hundred or more employees or where the benefit structure was
15 the subject of collective bargaining affecting persons who are employed
16 in more than one state] THE SUPERINTENDENT SHALL DEVELOP AND IMPLEMENT A
17 METHODOLOGY TO FULLY COVER THE COST TO ANY GROUP REMITTANCE GROUP OR
18 GROUP CONTRACT HOLDER WITH FIFTY OR FEWER EMPLOYEES WHO IS A GROUP
19 REMITTANCE GROUP OR GROUP CONTRACT HOLDER OF A POLICY THAT IS SUBJECT TO
20 THE PROVISIONS OF THIS SECTION FOR PROVIDING THE COVERAGE REQUIRED IN
21 THIS SUBSECTION AND SUBSECTION (L) OF THIS SECTION. SUCH METHODOLOGY
22 SHALL BE FINANCED FROM FUNDS FROM THE GENERAL FUND THAT SHALL BE MADE
23 AVAILABLE TO THE SUPERINTENDENT FOR SUCH PURPOSE.

24 S 4. Subsection (l) of section 4303 of the insurance law, as amended
25 by chapter 565 of the laws of 2000, is amended to read as follows:

26 (l) A hospital service corporation or a health service corporation
27 which provides group, group remittance or school blanket coverage for
28 inpatient hospital care [must] SHALL provide AS PART OF ITS CONTRACT
29 coverage for at least sixty outpatient visits in any CONTRACT YEAR, PLAN
30 YEAR OR calendar year for the diagnosis and treatment of chemical
31 dependence of which up to twenty may be for family members, except that
32 this provision shall not apply to a contract issued pursuant to section
33 four thousand three hundred five of this article which covers persons
34 employed in more than one state or the benefit structure of which was
35 the subject of collective bargaining affecting persons who are employed
36 in more than one state. Such coverage may be limited to facilities in
37 New York state certified by the office of alcoholism and substance abuse
38 services or licensed by such office as outpatient clinics or medically
39 supervised ambulatory substance abuse programs and, in other states, to
40 those which are accredited by the joint commission on accreditation of
41 hospitals as alcoholism or chemical dependence substance abuse treatment
42 programs. SUCH COVERAGE MAY BE PROVIDED ON A CONTRACT YEAR, PLAN YEAR
43 OR CALENDAR YEAR BASIS AND SHALL BE CONSISTENT WITH THE PROVISION OF
44 OTHER BENEFITS UNDER THE CONTRACT. Such coverage may be subject to annu-
45 al deductibles, CO-PAYS and co-insurance as may be deemed appropriate by
46 the superintendent and are consistent with those imposed on other bene-
47 fits [within a given policy] UNDER THE CONTRACT. Such coverage shall
48 not replace, restrict or eliminate existing coverage provided by the
49 policy. Except as otherwise provided in the applicable policy or
50 contract, no hospital service corporation or health service corporation
51 providing coverage for alcoholism or substance abuse services pursuant
52 to this section shall deny coverage to a family member who identifies
53 [themselves] HIMSELF OR HERSELF as a family member of a person suffering
54 from the disease of alcoholism, substance abuse or chemical dependency
55 and who seeks treatment as a family member who is otherwise covered by
56 the applicable policy or contract pursuant to this section. The coverage

1 required by this subsection shall include treatment as a family member
2 pursuant to such family members' own policy or contract provided such
3 family member (i) does not exceed the allowable number of family visits
4 provided by the applicable policy or contract pursuant to this section,
5 and (ii) is otherwise entitled to coverage pursuant to this section and
6 such family members' applicable policy or contract.

7 S 5. The superintendent of insurance shall monitor the implementation
8 of the coverage required pursuant to paragraphs 6 and 7 of subsection
9 (l) of section 3221, and subsections (k) and (l) of section 4303 of the
10 insurance law, and take such action as may be necessary, to ensure that
11 insurers' contracts or policies do not contain unreasonable definitions
12 of chemical abuse, alcohol and substance abuse, chemical dependence,
13 alcoholism and substance dependence in their contracts or policies. In
14 determining whether such definitions may be unreasonable, the super-
15 intendent of insurance shall ensure that any exclusions and limitations
16 on covered benefits are consistent with benefits provided to public
17 officers and employees pursuant to article 11 of the civil service law.

18 S 6. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law; and the provisions of
20 this act shall apply to policies and contracts issued, renewed, modi-
21 fied, altered or amended on or after such effective date.