

3719

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. PAULIN, BRODSKY, CAHILL, GALEF, PRETLOW, JAFFEE, LATIMER, PHEFFER -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, DIAZ, HOOPER, JOHN, KOON, McENENY, ORTIZ, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage of early intervention services

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

1 Section 1. Section 3235-a of the insurance law, as added by section 3
2 of part C of chapter 1 of the laws of 2002, is amended to read as
3 follows:
4 S 3235-a. Payment for early intervention services. (a) No policy of
5 accident and health insurance, including contracts issued pursuant to
6 article forty-three of this chapter, shall exclude coverage for other-
7 wise covered services [solely on the basis that the services constitute
8 early intervention program services] THAT ARE PROVIDED under title two-A
9 of article twenty-five of the public health law.
10 (b) Where a policy of accident and health insurance, including a
11 contract issued pursuant to article forty-three of this chapter,
12 provides coverage for an early intervention program service, such cover-
13 age shall not be applied against any maximum annual or lifetime monetary
14 limits set forth in such policy or contract. Visit limitations and other
15 terms and conditions of the policy will continue to apply to early
16 intervention services. However, any visits used for early intervention
17 program services shall not reduce the number of visits otherwise avail-
18 able under the policy or contract for such services.
19 (c) Any right of subrogation to benefits which a municipality is enti-
20 tled in accordance with paragraph (d) of subdivision three of section
21 twenty-five hundred fifty-nine of the public health law shall be valid
22 and enforceable to the extent benefits are available under any accident
23 and health insurance policy. The right of subrogation does not attach to

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

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1 insurance benefits paid or provided under any accident and health insur-
2 ance policy prior to receipt by the insurer of written notice from the
3 municipality. UPON THE INSURER'S RECEIPT OF WRITTEN NOTICE FROM THE
4 MUNICIPALITY, THE INSURER SHALL PROVIDE THE MUNICIPALITY WITH INFORMA-
5 TION ON THE EXTENT OF BENEFITS AVAILABLE TO AN INSURED UNDER THE POLICY.

6 (d) THE INDIVIDUALIZED FAMILY SERVICES PLAN, UPON CERTIFICATION BY THE
7 EARLY INTERVENTION OFFICIAL, AS DEFINED IN SECTION TWENTY-FIVE HUNDRED
8 FORTY-ONE OF THE PUBLIC HEALTH LAW, OR SUCH OFFICIAL'S DESIGNEE, SHALL
9 BE DEEMED TO MEET ANY PRECERTIFICATION, PREAUTHORIZATION, AND MEDICAL
10 NECESSITY REQUIREMENTS IMPOSED ON BENEFITS UNDER THE POLICY.

11 (E) NO INSURER, INCLUDING A HEALTH MAINTENANCE ORGANIZATION ISSUED A
12 CERTIFICATE OF AUTHORITY UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH
13 LAW AND A CORPORATION ORGANIZED UNDER ARTICLE FORTY-THREE OF THIS CHAP-
14 TER, SHALL DENY PAYMENT OF AN EARLY INTERVENTION CLAIM BASED ON THE
15 FOLLOWING:

16 (1) THE LOCATION WHERE SERVICES ARE PROVIDED;

17 (2) THE DURATION OF THE CHILD'S CONDITION AND/OR THAT THE CHILD'S
18 CONDITION IS NOT AMENABLE TO SIGNIFICANT IMPROVEMENT WITHIN A CERTAIN
19 PERIOD OF TIME AS SPECIFIED IN THE POLICY;

20 (3) THE ABSENCE OF A PRIMARY CARE PROVIDER REFERRAL; OR

21 (4) THAT THE PROVIDER OF SERVICES IS NOT A NETWORK OR PARTICIPATING
22 PROVIDER.

23 (F) TIME OF LOSS FOR THE PURPOSES OF FILING CLAIMS SHALL BE THE DATE
24 OF CONTRACTOR PAYMENT BY THE MUNICIPALITY.

25 (G) THE INSURER SHALL ISSUE PAYMENT IN THE AMOUNT EQUAL TO THE
26 APPROVED COSTS FOR EARLY INTERVENTION SERVICES.

27 (H) No insurer, including a health maintenance organization issued a
28 certificate of authority under article forty-four of the public health
29 law and a corporation organized under article forty-three of this chap-
30 ter, shall refuse to issue an accident and health insurance policy or
31 contract or refuse to renew an accident and health insurance policy or
32 contract solely because the applicant or insured is receiving services
33 under the early intervention program.

34 S 2. This act shall take effect immediately.