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2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. JACOBS, PERRY -- Multi-Sponsored by -- M. of A. CYMBROWITZ, GORDON, MAYERSOHN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to health insurance coverage for craniofacial disorders

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)(A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE  
4     WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN  
5     SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR  
6     MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE  
7     FOR DIAGNOSIS AND MEDICALLY NECESSARY TREATMENT, INCLUDING SURGICAL AND  
8     NONSURGICAL PROCEDURES, FOR A MUSCULOSKELETAL DISORDER THAT AFFECTS ANY  
9     BONE OR JOINT IN THE FACE, NECK OR HEAD AND IS THE RESULT OF ACCIDENT,  
10    TRAUMA, CONGENITAL DEFECT, DEVELOPMENTAL DEFECT, OR PATHOLOGY. SUBJECT  
11    TO SUBPARAGRAPH (B) OF THIS PARAGRAPH, THIS COVERAGE SHALL BE THE SAME  
12    AS THAT PROVIDED UNDER THE HEALTH INSURANCE PLAN FOR ANY OTHER MUSCU-  
13    LOSKELETAL DISORDER IN THE BODY AND MAY BE PROVIDED WHEN PRESCRIBED OR  
14    ADMINISTERED BY A PHYSICIAN OR A DENTIST. THIS PARAGRAPH SHALL NOT BE  
15    CONSTRUED TO REQUIRE COVERAGE FOR DENTAL SERVICES FOR THE DIAGNOSIS OR  
16    TREATMENT OF DENTAL DISORDERS OR DENTAL PATHOLOGY PRIMARILY AFFECTING  
17    THE GUMS, TEETH, OR ALVEOLAR RIDGE.  
18    (B) A REFERRAL FROM A HEALTH CARE PROVIDER UNDER CONTRACT WITH THE  
19    POLICY MAY BE REQUIRED.  
20    S 2. Subsection (k) of section 3221 of the insurance law is amended by  
21    adding a new paragraph 15 to read as follows:  
22    (15)(A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY  
23    IN THIS STATE WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR

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

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1 PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE OR MAJOR MEDICAL OR SIMILAR  
2 COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR DIAGNOSIS AND  
3 MEDICALLY NECESSARY TREATMENT, INCLUDING SURGICAL AND NONSURGICAL PROCE-  
4 DURES, FOR A MUSCULOSKELETAL DISORDER THAT AFFECTS ANY BONE OR JOINT IN  
5 THE FACE, NECK OR HEAD AND IS THE RESULT OF ACCIDENT, TRAUMA, CONGENITAL  
6 DEFECT, DEVELOPMENTAL DEFECT, OR PATHOLOGY. SUBJECT TO SUBPARAGRAPH (B)  
7 OF THIS PARAGRAPH, THIS COVERAGE SHALL BE THE SAME AS THAT PROVIDED  
8 UNDER THE HEALTH INSURANCE PLAN FOR ANY OTHER MUSCULOSKELETAL DISORDER  
9 IN THE BODY AND MAY BE PROVIDED WHEN PRESCRIBED OR ADMINISTERED BY A  
10 PHYSICIAN OR A DENTIST. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO REQUIRE  
11 COVERAGE FOR DENTAL SERVICES FOR THE DIAGNOSIS OR TREATMENT OF DENTAL  
12 DISORDERS OR DENTAL PATHOLOGY PRIMARILY AFFECTING THE GUMS, TEETH, OR  
13 ALVEOLAR RIDGE.

14 (B) A REFERRAL FROM A HEALTH CARE PROVIDER UNDER CONTRACT WITH THE  
15 POLICY MAY BE REQUIRED.

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

18 (FF)(1) A HOSPITAL SERVICE CORPORATION, MEDICAL EXPENSE INDEMNITY  
19 CORPORATION OR HEALTH SERVICE CORPORATION WHICH PROVIDES MEDICAL COVER-  
20 AGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S  
21 OFFICE OR MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL  
22 PROVIDE COVERAGE FOR DIAGNOSIS AND MEDICALLY NECESSARY TREATMENT,  
23 INCLUDING SURGICAL AND NONSURGICAL PROCEDURES, FOR A MUSCULOSKELETAL  
24 DISORDER THAT AFFECTS ANY BONE OR JOINT IN THE FACE, NECK OR HEAD AND IS  
25 THE RESULT OF ACCIDENT, TRAUMA, CONGENITAL DEFECT, DEVELOPMENTAL DEFECT,  
26 OR PATHOLOGY. SUBJECT TO PARAGRAPH TWO OF THIS SUBSECTION, THIS COVERAGE  
27 SHALL BE THE SAME AS THAT PROVIDED UNDER THE HEALTH INSURANCE PLAN FOR  
28 ANY OTHER MUSCULOSKELETAL DISORDER IN THE BODY AND MAY BE PROVIDED WHEN  
29 PRESCRIBED OR ADMINISTERED BY A PHYSICIAN OR A DENTIST. THIS SUBSECTION  
30 SHALL NOT BE CONSTRUED TO REQUIRE COVERAGE FOR DENTAL SERVICES FOR THE  
31 DIAGNOSIS OR TREATMENT OF DENTAL DISORDERS OR DENTAL PATHOLOGY PRIMARILY  
32 AFFECTING THE GUMS, TEETH, OR ALVEOLAR RIDGE.

33 (2) A REFERRAL FROM A HEALTH CARE PROVIDER UNDER CONTRACT WITH THE  
34 POLICY MAY BE REQUIRED.

35 S 4. This act shall take effect on the first of January next succeed-  
36 ing the date on which it shall have become a law and shall apply to all  
37 policies issued, renewed, altered or modified on or after such date.