

4051

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 29, 2009

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Introduced by M. of A. CYMBROWITZ -- read once and referred to the  
Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance coverage for  
prostheses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 INDIVIDUAL POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMI-  
4     LAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE PURCHASE  
5     OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB  
6     DUE TO ACCIDENT, INJURY OR DISEASE OR THE TREATMENT OF SUCH CONDITIONS,  
7     PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE  
8     PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCA-  
9     TION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE STATING HIS OR HER  
10    OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE  
11    PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.  
12    (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-  
13    SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-  
14    ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-  
15    AGE MAY BE LIMITED TO ONE PROSTHESES FOR THE LIFE OF THE POLICY.  
16    S 2. Subsection (k) of section 3221 of the insurance law is amended by  
17    adding a new paragraph 15 to read as follows:  
18    (15) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES MAJOR MEDICAL OR  
19    SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE  
20    PURCHASE OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF  
21    A LIMB DUE TO ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH  
22    CONDITION, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH  
23    CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE  
24    EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURPOSE STATING HIS OR HER

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

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1 OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE  
2 PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

3 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-  
4 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-  
5 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-  
6 AGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME  
7 OF THE POLICY.

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

10 (FF)(1) EVERY CONTRACT ISSUED BY A CORPORATION SUBJECT TO THE  
11 PROVISIONS OF THIS ARTICLE WHICH PROVIDES MAJOR MEDICAL OR SIMILAR  
12 COMPREHENSIVE-TYPE COVERAGE, SHALL INCLUDE COVERAGE FOR THE PURCHASE OF  
13 PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB AS A  
14 RESULT OF ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH CONDI-  
15 TION, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE  
16 PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCA-  
17 TION LAW, ISSUES A WRITTEN ORDER FOR SUCH PURCHASE STATING HIS OR HER  
18 OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE  
19 PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

20 (2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-  
21 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-  
22 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-  
23 AGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME  
24 OF THE POLICY.

25 S 4. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law and shall apply according to its terms to all  
27 policies, contracts and certificates issued, renewed, modified, altered  
28 or amended on or after such date.