S T A T E O F N E W Y O R K

591

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, ENGLEBRIGHT, KOON -- Multi-Sponsored by -- M. of A. BRENNAN, CANESTRARI, GALEF, McENENY, PERRY -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring certain health insurance policies to cover costs for scalp hair prosthesis worn for hair loss suffered as a result of alopecia areata, alopecia totalis or alopecia universalis

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 26 to read as follows:

(26) (A) A GROUP HEALTH PLAN, AND A HEALTH INSURANCE ISSUER OFFERING HEALTH INSURANCE COVERAGE IN CONNECTION WITH A GROUP HEALTH PLAN, SHALL PROVIDE COVERAGE FOR SCALP HAIR PROSTHESIS FOR A PARTICIPANT OR BENEFICIARY WHO HAS SCALP HAIR LOSS AS A RESULT OF ALOPECIA AREATA, ALOPECIA TOTALIS OR ALOPECIA UNIVERSALIS IF THE ATTENDING PHYSICIAN OF THE PARTICIPANT OR BENEFICIARY CERTIFIES IN WRITING THE MEDICAL NECESSITY OF THAT PROPOSED COURSE OF REHABILITATIVE TREATMENT.

(B) AS USED IN THIS PARAGRAPH, THE TERM "SCALP HAIR PROSTHESIS" INCLUDES ANY ARTIFICIAL SUBSTITUTES FOR SCALP HAIR.

(C) THE COVERAGE REQUIRED UNDER THIS PARAGRAPH IS NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, AND COINSURANCE PROVISIONS THAT ARE LESS FAVORABLE THAN THOSE FOR OTHER PROSTHESIS COVERAGE UNDER THE PLAN OR COVERAGE, EXCEPT THAT A GROUP HEALTH PLAN OR HEALTH INSURANCE ISSUER MAY PROVIDE THAT THE PLAN OR ISSUER WILL ONLY PAY FOR EIGHTY PERCENT OF THE CUSTOMARY AND USUAL COSTS OF THE SCALP HAIR PROSTHESIS EXCLUSIVE OF ANY DEDUCTIBLE.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 15 to read as follows:

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

LBD00649-01-9

(15) (A) A GROUP HEALTH PLAN, AND A HEALTH INSURANCE ISSUER OFFERING HEALTH INSURANCE COVERAGE IN CONNECTION WITH A GROUP HEALTH PLAN, SHALL PROVIDE COVERAGE FOR SCALP HAIR PROSTHESIS FOR A PARTICIPANT OR BENEFICIARY WHO HAS SCALP HAIR LOSS AS A RESULT OF ALOPECIA AREATA, ALOPECIA TOTALIS OR ALOPECIA UNIVERSALIS IF THE ATTENDING PHYSICIAN OF THE PARTICIPANT OR BENEFICIARY CERTIFIES IN WRITING THE MEDICAL NECESSITY OF THAT PROPOSED COURSE OF REHABILITATIVE TREATMENT.

(B) AS USED IN THIS PARAGRAPH, THE TERM "SCALP HAIR PROSTHESIS" INCLUDES ANY ARTIFICIAL SUBSTITUTES FOR SCALP HAIR.

(C) THE COVERAGE REQUIRED UNDER THIS PARAGRAPH IS NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, AND COINSURANCE PROVISIONS THAT ARE LESS FAVORABLE THAN THOSE FOR OTHER PROSTHESIS COVERAGE UNDER THE PLAN OR COVERAGE, EXCEPT THAT A GROUP HEALTH PLAN OR HEALTH INSURANCE ISSUER MAY PROVIDE THAT THE PLAN OR ISSUER WILL ONLY PAY FOR EIGHTY PERCENT OF THE CUSTOMARY AND USUAL COSTS OF THE SCALP HAIR PROSTHESIS EXCLUSIVE OF ANY DEDUCTIBLE.

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

(FF) (1) A GROUP HEALTH PLAN, AND A HEALTH INSURANCE ISSUER OFFERING HEALTH INSURANCE COVERAGE IN CONNECTION WITH A GROUP HEALTH PLAN, SHALL PROVIDE COVERAGE FOR SCALP HAIR PROSTHESIS FOR A PARTICIPANT OR BENEFICIARY WHO HAS SCALP HAIR LOSS AS A RESULT OF ALOPECIA AREATA, ALOPECIA TOTALIS OR ALOPECIA UNIVERSALIS IF THE ATTENDING PHYSICIAN OF THE PARTICIPANT OR BENEFICIARY CERTIFIES IN WRITING THE MEDICAL NECESSITY OF THAT PROPOSED COURSE OF REHABILITATIVE TREATMENT.

(2) AS USED IN THIS SUBSECTION, THE TERM "SCALP HAIR PROSTHESIS" INCLUDES ANY ARTIFICIAL SUBSTITUTES FOR SCALP HAIR.

(3) THE COVERAGE REQUIRED UNDER THIS SUBSECTION IS NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, AND COINSURANCE PROVISIONS THAT ARE LESS FAVORABLE THAN THOSE FOR OTHER PROSTHESIS COVERAGE UNDER THE PLAN OR COVERAGE, EXCEPT THAT A GROUP HEALTH PLAN OR HEALTH INSURANCE ISSUER MAY PROVIDE THAT THE PLAN OR ISSUER WILL ONLY PAY FOR EIGHTY PERCENT OF THE CUSTOMARY AND USUAL COSTS OF THE SCALP HAIR PROSTHESIS EXCLUSIVE OF ANY DEDUCTIBLE.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply according to its terms to all policies, contracts and certificates issued, renewed, modified, altered or amended on or after such effective date.