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

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ, JACOBS, COOK, COLTON, CLARK, GUNTHER, ESPAILLAT, PEOPLES, CAMARA, MILLMAN, N. RIVERA, BOYLAND, CAHILL, EDDINGTON, ENGLEBRIGHT, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, BRENNAN, DIAZ, FARRELL, GOTTFRIED, LUPARDO, McENENY, PHEFFER, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing coverage for surveillance tests for ovarian cancer

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) EVERY POLICY THAT PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR SURVEILLANCE TESTS FOR OVARIAN CANCER FOR AN INSURED WHO IS AT RISK FOR OVARIAN CANCER. (A) FOR PURPOSES OF THIS SUBSECTION, AN INSURED IS DEEMED TO BE AT RISK IF:

(I) SHE HAS A FAMILY HISTORY OF:

1. ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;

2. THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR

3. NONPOLYPOSIS COLORECTAL CANCER; OR

(II) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.

(B) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:

(I) CA-125 SERUM TUMOR MARKER TESTING;

(II) TRANSVAGINAL ULTRASOUND; AND

(III) PELVIC EXAMINATION.

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

(15) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL

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

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INCLUDE COVERAGE FOR SURVEILLANCE TESTS FOR OVARIAN CANCER FOR AN INSURED WHO IS AT RISK FOR OVARIAN CANCER. (A) FOR PURPOSES OF THIS SUBSECTION, AN INSURED IS DEEMED TO BE AT RISK IF:

(I) SHE HAS A FAMILY HISTORY OF:

1. ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;

2. THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR

3. NONPOLYPOSIS COLORECTAL CANCER; OR

(II) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.

(B) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:

(I) CA-125 SERUM TUMOR MARKER TESTING;

(II) TRANSVAGINAL ULTRASOUND; AND

(III) PELVIC EXAMINATION.

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

(FF) A HEALTH SERVICE CORPORATION OR MEDICAL EXPENSE INDEMNITY CORPORATION WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE MUST PROVIDE COVERAGE FOR SURVEILLANCE TESTS FOR OVARIAN CANCER FOR AN INSURED WHO IS AT RISK FOR OVARIAN CANCER. (1) FOR PURPOSES OF THIS SUBSECTION, AN INSURED IS DEEMED TO BE AT RISK IF:

(A) SHE HAS A FAMILY HISTORY OF:

(I) ONE OR MORE FIRST-DEGREE RELATIVE WITH OVARIAN CANCER;

(II) THREE OR MORE FEMALE RELATIVES WITH BREAST CANCER; OR

(III) NONPOLYPOSIS COLORECTAL CANCER; OR

(B) SHE TESTS POSITIVE FOR BRCA1 OR BRCA2 MUTATIONS.

(2) FOR PURPOSES OF THIS SUBSECTION, SURVEILLANCE TESTS FOR OVARIAN CANCER SHALL MEAN ANNUAL SCREENING FOR OVARIAN CANCER USING:

(A) CA-125 SERUM TUMOR MARKER TESTING;

(B) TRANSVAGINAL ULTRASOUND; AND

(C) PELVIC EXAMINATION.

S 4. This act shall take effect immediately and shall apply to any policy issued, renewed, or modified after such effective date.