

9097

2009-2010 Regular Sessions

I N A S S E M B L Y

August 17, 2009

Introduced by M. of A. GLICK, GOTTFRIED, ORTIZ, EDDINGTON -- Multi-Sponsored by -- M. of A. CLARK, COOK, CYMBROWITZ, DINOWITZ, GALEF, JACOBS, MAYERSOHN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to reimbursement for services performed by a person certified or licensed to perform acupuncture

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 27 to read as follows:

3 (27) IF A POLICY PROVIDES FOR REIMBURSEMENT FOR ACUPUNCTURE TREATMENT
4 WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE OF PRACTICE OF A PHYSICIAN OR
5 DENTIST LICENSED TO PRACTICE IN THIS STATE, AN INSURED SHALL ALSO BE
6 ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH TREATMENT WHEN IT IS PERFORMED
7 BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO HUNDRED
8 FOURTEEN OF THE EDUCATION LAW.

9 S 2. Subsection (1) of section 3221 of the insurance law is amended by
10 adding a new paragraph 18 to read as follows:

11 (18) EVERY INSURER DELIVERING A GROUP OR BLANKET POLICY OR ISSUING A
12 GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES COVER-
13 AGE FOR ACUPUNCTURE TREATMENT WHICH IS PERFORMED WITHIN THE LAWFUL SCOPE
14 OF PRACTICE OF A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS
15 STATE, SHALL ALSO PROVIDE EQUAL COVERAGE FOR SUCH TREATMENT WHEN IT IS
16 PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO
17 HUNDRED FOURTEEN OF THE EDUCATION LAW.

18 S 3. Subparagraphs (G) and (H) of paragraph 4 of subsection (f) of
19 section 4235 of the insurance law, as relettered by chapter 456 of the
20 laws of 1993, are amended and a new subparagraph (I) is added to read as
21 follows:

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

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1 (G) psychiatric or psychological services or for the diagnosis and
2 treatment of mental, nervous, or emotional disorders or ailments, howev-
3 er defined in such policy, a subscriber to such policy shall be entitled
4 to reimbursement for such psychiatric or psychological services or diag-
5 nosis or treatment whether performed by a physician, psychiatrist or a
6 certified and registered psychologist when the services rendered are
7 within the lawful scope of their practice, and when such policy or any
8 certificate issued thereunder is delivered or issued for delivery with-
9 out this state by an authorized insurer, covered persons residing in
10 this state shall be entitled to reimbursement for such diagnosis and
11 treatment by a physician, psychiatrist or a certified and registered
12 psychologist as hereinabove provided; [and]

13 (H) any service which is within the lawful scope of practice of a
14 licensed chiropractor, a subscriber to such policy shall be entitled to
15 reimbursement for such service when such service is performed by a
16 licensed chiropractor[.]; AND

17 (I) ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A
18 PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE, A SUBSCRIBER
19 SHALL ALSO BE ENTITLED TO EQUAL REIMBURSEMENT FOR SUCH SERVICE WHEN IT
20 IS PERFORMED BY A PERSON LICENSED PURSUANT TO SECTION EIGHT THOUSAND TWO
21 HUNDRED FOURTEEN OF THE EDUCATION LAW.

22 S 4. Subparagraphs (J) and (K) of paragraph 1 of subsection (b) of
23 section 4301 of the insurance law, as relettered by chapter 456 of the
24 laws of 1993, are amended and a new subparagraph (L) is added to read as
25 follows:

26 (J) necessary appliances, drugs, medicines and supplies, [and]

27 (K) bio-analytical or clinical laboratory examinations and reports
28 thereof reported to a physician, osteopath, dentist, optometrist, podia-
29 trist, chiropractor or physical therapist made by any privately operated
30 bioanalytical or clinical laboratory[.], AND

31 (L) ACUPUNCTURE TREATMENTS PROVIDED THROUGH PERSONS LICENSED PURSUANT
32 TO SECTION EIGHT THOUSAND TWO HUNDRED FOURTEEN OF THE EDUCATION LAW
33 PROVIDED REIMBURSEMENT IS ALSO MADE FOR ACUPUNCTURE TREATMENTS PROVIDED
34 THROUGH A PHYSICIAN OR DENTIST LICENSED TO PRACTICE IN THIS STATE.

35 S 5. This act shall take effect on the sixtieth day after it shall
36 have become a law and shall apply to policies and contracts issued,
37 renewed, modified or amended on or after such effective date.