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I N   A S S E M B L Y

January 22, 2010

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

AN ACT to amend the insurance law, in relation to insurance coverage for certain cancer patients

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) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR  
4     COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE  
5     PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREAT-  
6     MENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION  
7     OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED  
8     TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A  
9     PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY  
10    STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE  
11    UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSUR-  
12    ANCE AND THE EJACULATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE  
13    AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES  
14    MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A  
15    MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL  
16    INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.  
17    S 2. Subsection (1) of section 3221 of the insurance law is amended by  
18    adding a new paragraph 18 to read as follows:  
19    (18) EVERY INSURER ISSUING A GROUP POLICY FOR DELIVERY IN THIS STATE  
20    WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE  
21    COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE PATIENTS, WHO MAY BECOME  
22    INVOLUNTARILY STERILE AS A RESULT OF THE TREATMENT OF ANY CANCER, TO  
23    STORE UP TO FOUR EJACULATES BEFORE THE INITIATION OF THAT TREATMENT.  
24    TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED TO RADIATION,  
25    CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A PHYSICIAN FOR  
26    THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY STERILIZATION.  
27    SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE UNDERLYING MEDICAL  
28    CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSURANCE AND THE EJACU-

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

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2 ATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES MUST ALSO HAVE  
3 DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A MINIMUM OF TEN  
4 YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL INSURANCE UNTIL SUCH  
5 PATIENT ATTAINS THE AGE OF FIFTY YEARS.

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

8 (GG) EVERY CONTRACT ISSUED BY A HEALTH SERVICES CORPORATION OR MEDICAL  
9 EXPENSE INDEMNITY CORPORATION WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR  
10 SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE  
11 PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREAT-  
12 MENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION  
13 OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED  
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15 PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY  
16 STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE  
17 UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSUR-  
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21 MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL  
22 INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.

23 S 4. This act shall take effect immediately.