

1038

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sens. LARKIN, FLANAGAN, LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the coverage of inpatient hospital care and anesthesia services related to the provision of dental services

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 26 to read as follows:  
3 (26)(A) EVERY POLICY WHICH PROVIDES COVERAGE FOR INPATIENT HOSPITAL  
4 CARE SHALL NOT EXCLUDE COVERAGE FOR INPATIENT HOSPITAL CARE FOR THE  
5 PROVISION OF DENTAL SERVICES WHEN SUCH HOSPITAL CARE IS: (I) PROVIDED  
6 TO A COVERED PERSON WHO IS SEVERELY DISABLED OR IS UNDER FIVE YEARS OF  
7 AGE; AND (II) DETERMINED TO BE MEDICALLY NECESSARY BY THE ATTENDING  
8 PHYSICIAN, IN CONSULTATION WITH A LICENSED DENTIST, DUE TO A MEDICAL  
9 CONDITION THAT REQUIRES HOSPITALIZATION OF THE COVERED PERSON FOR THE  
10 PROVISION OF DENTAL SERVICES.  
11 (B) EVERY POLICY WHICH PROVIDES COVERAGE FOR SURGICAL CARE SHALL NOT  
12 EXCLUDE COVERAGE FOR ANESTHESIA SERVICES PROVIDED BY A PHYSICIAN OR  
13 DENTIST WHEN SUCH ANESTHESIA SERVICES ARE: (I) PROVIDED TO A COVERED  
14 PERSON WHO IS SEVERELY DISABLED OR IS UNDER FIVE YEARS OF AGE; (II)  
15 PROVIDED FOR THE PROVISION OF DENTAL SERVICES; AND (III) DETERMINED TO  
16 BE MEDICALLY NECESSARY BY THE ATTENDING PHYSICIAN, IN CONSULTATION WITH  
17 A LICENSED DENTIST, DUE TO A MEDICAL CONDITION THAT REQUIRES GENERAL  
18 ANESTHESIA FOR THE PROVISION OF DENTAL SERVICES.  
19 (C) COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH SHALL BE SUBJECT TO  
20 ALL OTHER TERMS AND CONDITIONS OF COVERAGE, INCLUDING, BUT NOT LIMITED  
21 TO REQUIREMENTS FOR PRIOR AUTHORIZATION OF SERVICES AND ANNUAL DEDUCT-  
22 IBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT  
23 AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A  
24 GIVEN POLICY.  
25 S 2. Subsection (k) of section 3221 of the insurance law is amended by  
26 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.

LBD06563-01-9

1 (15)(A) EVERY GROUP POLICY ISSUED OR DELIVERED IN THIS STATE WHICH  
2 PROVIDES COVERAGE FOR INPATIENT HOSPITAL CARE SHALL NOT EXCLUDE COVERAGE  
3 FOR INPATIENT HOSPITAL CARE FOR THE PROVISION OF DENTAL SERVICES WHEN  
4 SUCH HOSPITAL CARE IS: (I) PROVIDED TO A COVERED PERSON WHO IS SEVERELY  
5 DISABLED OR IS UNDER FIVE YEARS OF AGE; AND (II) DETERMINED TO BE  
6 MEDICALLY NECESSARY BY THE ATTENDING PHYSICIAN, IN CONSULTATION WITH A  
7 LICENSED DENTIST, DUE TO A MEDICAL CONDITION THAT REQUIRES HOSPITALIZA-  
8 TION OF THE COVERED PERSON FOR THE PROVISION OF DENTAL SERVICES.

9 (B) EVERY GROUP POLICY ISSUED OR DELIVERED IN THIS STATE WHICH  
10 PROVIDES COVERAGE FOR SURGICAL CARE SHALL NOT EXCLUDE COVERAGE FOR ANES-  
11 THESIA SERVICES PROVIDED BY A PHYSICIAN OR DENTIST WHEN SUCH ANESTHESIA  
12 SERVICES ARE: (I) PROVIDED TO A COVERED PERSON WHO IS SEVERELY DISABLED  
13 OR IS UNDER FIVE YEARS OF AGE; (II) PROVIDED FOR THE PROVISION OF DENTAL  
14 SERVICES; AND (III) DETERMINED TO BE MEDICALLY NECESSARY BY THE ATTEND-  
15 ING PHYSICIAN, IN CONSULTATION WITH A LICENSED DENTIST, DUE TO A MEDICAL  
16 CONDITION THAT REQUIRES GENERAL ANESTHESIA FOR THE PROVISION OF DENTAL  
17 SERVICES.

18 (C) COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH SHALL BE SUBJECT TO  
19 ALL OTHER TERMS AND CONDITIONS OF COVERAGE, INCLUDING, BUT NOT LIMITED  
20 TO REQUIREMENTS FOR PRIOR AUTHORIZATION OF SERVICES OR ANNUAL DEDUCT-  
21 IBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT  
22 AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A  
23 GIVEN POLICY.

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

26 (FF) (1) EVERY CONTRACT ISSUED BY A HOSPITAL SERVICE CORPORATION OR  
27 HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR INPATIENT HOSPI-  
28 TAL CARE SHALL NOT EXCLUDE COVERAGE FOR INPATIENT HOSPITAL CARE FOR THE  
29 PROVISION OF DENTAL SERVICES WHEN SUCH HOSPITAL CARE IS: (A) PROVIDED  
30 TO A COVERED PERSON WHO IS SEVERELY DISABLED OR IS UNDER FIVE YEARS OF  
31 AGE; AND (B) DETERMINED TO BE MEDICALLY NECESSARY BY THE ATTENDING  
32 PHYSICIAN, IN CONSULTATION WITH A LICENSED DENTIST, DUE TO A MEDICAL  
33 CONDITION THAT REQUIRES HOSPITALIZATION OF THE COVERED PERSON FOR THE  
34 PROVISION OF DENTAL SERVICES.

35 (2) EVERY CONTRACT ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION  
36 OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR SURGICAL  
37 CARE SHALL NOT EXCLUDE COVERAGE FOR ANESTHESIA SERVICES PROVIDED BY A  
38 PHYSICIAN OR DENTIST WHEN SUCH ANESTHESIA SERVICES ARE: (A) PROVIDED TO  
39 A COVERED PERSON WHO IS SEVERELY DISABLED OR IS UNDER FIVE YEARS OF AGE;  
40 (B) PROVIDED FOR THE PROVISION OF DENTAL SERVICES; AND (C) DETERMINED TO  
41 BE MEDICALLY NECESSARY BY THE ATTENDING PHYSICIAN, IN CONSULTATION WITH  
42 A LICENSED DENTIST, DUE TO A MEDICAL CONDITION THAT REQUIRES GENERAL  
43 ANESTHESIA FOR THE PROVISION OF DENTAL SERVICES.

44 (3) COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION SHALL BE SUBJECT TO  
45 ALL OTHER TERMS AND CONDITIONS OF COVERAGE, INCLUDING, BUT NOT LIMITED  
46 TO REQUIREMENTS FOR PRIOR AUTHORIZATION OF SERVICES OR ANNUAL DEDUCT-  
47 IBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT  
48 AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A  
49 GIVEN POLICY.

50 S 4. This act shall take effect on the first of January next succeed-  
51 ing the date on which it shall have become a law and shall apply to all  
52 policies and contracts issued, renewed, modified, altered or amended on  
53 or after such date.