

2389

2009-2010 Regular Sessions

I N   S E N A T E

February 19, 2009

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Introduced by Sen. PADAVAN -- 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 practice of acupuncture

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

- 1     Section 1. Subsection (j) of section 3216 of the insurance law is  
2     amended by adding a new paragraph 4 to read as follows:  
3     (4)(A) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE  
4     FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR IN-PATIENT HOSPI-  
5     TAL CARE MUST MAKE AVAILABLE AND, IF REQUESTED BY THE POLICYHOLDER,  
6     PROVIDE COVERAGE FOR CHINESE MEDICINE SERVICES.  
7     (B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-  
8     CIES AND, WITH RESPECT TO OTHER POLICIES, AT ANY ANNIVERSARY DATE OF THE  
9     POLICY SUBJECT TO EVIDENCE OF INSURABILITY.  
10    (C) IN THIS PARAGRAPH, "CHINESE MEDICINE" MEANS THE DISTINCT SYSTEM OF  
11    PRIMARY HEALTH CARE THAT USES ALL TECHNIQUES AND THERAPIES OF CHINESE  
12    MEDICINE, BOTH TRADITIONAL AND MODERN, FOR THE PREVENTION OR CORRECTION  
13    OF DISEASE, ILLNESS, INJURY, PAIN OR OTHER CONDITIONS BY CONTROLLING AND  
14    REGULATING THE FLOW AND BALANCE OF ENERGY UTILIZING THE PRINCIPLES OF  
15    TRADITIONAL CHINESE MEDICINE, SO AS TO RESTORE AND MAINTAIN THE HEALTH  
16    OF THE PATIENT.  
17    (D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
18    AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
19    WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY,  
20    PROVIDED HOWEVER THAT REIMBURSEMENT FOR SERVICES PERFORMED BY A LICENSED  
21    ACUPUNCTURIST SHALL NOT BE LESS THAN THE REIMBURSEMENT FOR THE SAME OR  
22    SIMILAR SERVICES IF PROVIDED BY A CERTIFIED ACUPUNCTURIST.  
23    S 2. Subsection (1) of section 3221 of the insurance law is amended by  
24    adding a new paragraph 18 to read as follows:

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

LBD09427-01-9

(18)(A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE MUST MAKE AVAILABLE AND, IF REQUESTED BY THE POLICYHOLDER, PROVIDE COVERAGE FOR CHINESE MEDICINE SERVICES, EXCEPT THAT THIS PROVISION SHALL NOT APPLY TO A POLICY WHICH COVERS PERSONS EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS WHO ARE EMPLOYED IN MORE THAN ONE STATE.

(B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLICIES AND, WITH RESPECT TO OTHER POLICIES, AT ANY ANNIVERSARY DATE OF THE POLICY SUBJECT TO INSURABILITY.

(C) IN THIS PARAGRAPH, "CHINESE MEDICINE" MEANS THE DISTINCT SYSTEM OF PRIMARY HEALTH CARE THAT USES ALL TECHNIQUES AND THERAPIES OF CHINESE MEDICINE, BOTH TRADITIONAL AND MODERN, FOR THE PREVENTION OR CORRECTION OF DISEASE, ILLNESS, INJURY, PAIN OR OTHER CONDITIONS BY CONTROLLING AND REGULATING THE FLOW AND BALANCE OF ENERGY UTILIZING THE PRINCIPLES OF TRADITIONAL CHINESE MEDICINE, SO AS TO RESTORE AND MAINTAIN THE HEALTH OF THE PATIENT.

(D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY, PROVIDED HOWEVER THAT REIMBURSEMENT FOR SERVICES PERFORMED BY A LICENSED ACUPUNCTURIST SHALL NOT BE LESS THAN THE REIMBURSEMENT FOR THE SAME OR SIMILAR SERVICES IF PROVIDED BY A CERTIFIED ACUPUNCTURIST.

S 3. Paragraph 4 of subsection (f) of section 4235 of the insurance law is amended by adding a new subparagraph (I) to read as follows:

(I) ANY ACUPUNCTURE OR CHINESE MEDICINE SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A LICENSED ACUPUNCTURIST, A SUBSCRIBER TO SUCH POLICY SHALL BE ENTITLED TO REIMBURSEMENT FOR SUCH SERVICE WHEN SUCH SERVICE IS PERFORMED BY A LICENSED ACUPUNCTURIST, PROVIDED HOWEVER THAT REIMBURSEMENT FOR SERVICE PERFORMED BY A LICENSED ACUPUNCTURIST SHALL NOT BE LESS THAN THE REIMBURSEMENT FOR THE SAME OR SIMILAR SERVICES IF PROVIDED BY A CERTIFIED ACUPUNCTURIST.

S 4. Subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J) and (K) of paragraph 1 of subsection (b) of section 4301 of the insurance law, subparagraphs (J) and (K) as relettered by chapter 456 of the laws of 1993, are relettered subparagraphs (C), (D), (E), (F), (G), (H), (I), (J), (K) and (L) and a new subparagraph (B) is added to read as follows:

(B) MEDICAL CARE PROVIDED THROUGH LICENSED ACUPUNCTURISTS,

S 5. This act shall take effect immediately.