

2609

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. FLANAGAN -- 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 coverage and benefits of accident and health insurance policies for podiatric care

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

1 Section 1. Paragraph 2 of subsection (i) of section 3216 of the insur-  
2 ance law is amended to read as follows:  
3 (2) If a policy provides for reimbursement for any podiatric service  
4 within the lawful scope of practice of a licensed podiatrist, the  
5 insured shall be entitled to THE SAME reimbursement for such service  
6 whether it is performed by a physician or licensed podiatrist.  
7 S 2. Subsection (k) of section 3221 of the insurance law is amended by  
8 adding a new paragraph 15 to read as follows:  
9 (15) EVERY POLICY WHICH PROVIDES COVERAGE FOR PEDIATRIC CARE, AS  
10 DEFINED IN SECTION SEVEN THOUSAND ONE OF THE EDUCATION LAW, PROVIDED BY  
11 A DOCTOR OF PODIATRY LICENSED PURSUANT TO ARTICLE ONE HUNDRED FORTY-ONE  
12 OF THE EDUCATION LAW, MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAY-  
13 MENT AND CO-INSURANCE AMOUNTS, REASONABLE FEE OR BENEFIT LIMITS AND  
14 REASONABLE UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS  
15 AND REVIEW: (A) SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER  
16 DISCRIMINATIVE AGAINST PEDIATRIC CARE; AND (B) INDIVIDUALLY AND COLLEC-  
17 TIVELY SHALL BE NO DIFFERENT THAN THOSE APPLICABLE UNDER THAT SAME POLI-  
18 CY TO CARE OR SERVICES PROVIDED BY OTHER HEALTH PROFESSIONALS IN THE  
19 DIAGNOSIS, TREATMENT AND MANAGEMENT OF THE SAME OR SIMILAR CONDITIONS,  
20 DISORDERS OR INJURIES. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED AS  
21 IMPEDING OR PREVENTING EITHER THE PROVISION OR COVERAGE OF PEDIATRIC  
22 CARE AND SERVICES BY DULY LICENSED DOCTORS OF PODIATRY WITHIN THE  
23 LAWFUL SCOPE OF PEDIATRIC CARE IN HOSPITAL FACILITIES ON A STAFF OR  
24 EMPLOYEE BASIS.

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

LBD06543-01-9

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

3 (FF) EVERY CONTRACT ISSUED BY A HEALTH SERVICE CORPORATION OR A  
4 MEDICAL EXPENSE INDEMNITY CORPORATION THAT INCLUDES COVERAGE FOR PHYSI-  
5 CIAN SERVICES IN A PHYSICIAN'S OFFICE, THAT PROVIDES MAJOR MEDICAL OR  
6 SIMILAR COMPREHENSIVE-TYPE COVERAGE, AND COVERAGE FOR PODIATRIC CARE AS  
7 DEFINED IN SECTION SEVEN THOUSAND ONE OF THE EDUCATION LAW, PROVIDED BY  
8 A DOCTOR OF PODIATRY LICENSED PURSUANT TO ARTICLE ONE HUNDRED FORTY-ONE  
9 OF THE EDUCATION LAW, MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAY-  
10 MENT AND CO-INSURANCE AMOUNTS, REASONABLE FEE OR BENEFIT LIMITS AND  
11 REASONABLE UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS  
12 AND REVIEW: (1) SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER  
13 DISCRIMINATIVE AGAINST PODIATRIC CARE; AND (2) INDIVIDUALLY AND COLLEC-  
14 TIVELY SHALL BE NO DIFFERENT THAN THOSE APPLICABLE UNDER THE SAME POLICY  
15 TO CARE OR SERVICES PROVIDED BY OTHER HEALTH PROFESSIONALS IN THE DIAG-  
16 NOSIS, TREATMENT AND MANAGEMENT OF THE SAME OR SIMILAR CONDITIONS,  
17 DISORDERS OR INJURIES. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS  
18 IMPEDING OR PREVENTING EITHER THE PROVISIONS OR COVERAGE OF PODIATRIC  
19 CARE AND SERVICES BY DULY LICENSED DOCTORS OF PODIATRY WITHIN THE LAWFUL  
20 SCOPE OF PODIATRIC CARE IN HOSPITAL FACILITIES ON A STAFF OR EMPLOYEE  
21 BASIS.

22 S 4. This act shall take effect on the first of January next succeed-  
23 ing the date on which it shall have become a law and shall apply to  
24 policies and contracts issued, renewed, modified, altered or amended on  
25 or after such effective date.