

2909

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sens. FLANAGAN, MORAHAN -- 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 provision of
preventive and primary care services

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

1 Section 1. Clauses (ii) and (iii) of subparagraph (B) of paragraph 17
2 of subsection (i) of section 3216 of the insurance law, as added by
3 chapter 728 of the laws of 1993, are amended and a new clause (iv) is
4 added to read as follows:
5 (ii) at each visit, services in accordance with the prevailing clin-
6 ical standards of such designated association, including a medical
7 history, a complete physical examination, developmental assessment,
8 anticipatory guidance, appropriate immunizations and laboratory tests
9 which tests are ordered at the time of the visit and performed in the
10 practitioner's office, as authorized by law, or in a clinical laborato-
11 ry; [and]
12 (iii) necessary immunizations as determined by the superintendent in
13 consultation with the commissioner of health consisting of at least
14 adequate dosages of vaccine against diphtheria, pertussis, tetanus,
15 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-
16 titis b which meet the standards approved by the United States public
17 health service for such biological products[.]; AND
18 (IV) IMMUNIZATIONS DETERMINED BY THE DEPENDENT CHILD'S PHYSICIAN TO BE
19 MEDICALLY APPROPRIATE CONSISTING OF AT LEAST ADEQUATE DOSES OF VACCINE
20 AGAINST HUMAN PAPILLOMA VIRUS WHICH MEETS THE STANDARD APPROVED BY THE
21 UNITED STATES PUBLIC HEALTH SERVICE FOR SUCH BIOLOGICAL PRODUCTS.
22 S 2. Clauses (ii) and (iii) of subparagraph (B) of paragraph 8 of
23 subsection (1) of section 3221 of the insurance law, as amended by chap-
24 ter 728 of the laws of 1993, are amended and a new clause (iv) is added
25 to read as follows:
26 (ii) at each visit, services in accordance with the prevailing clin-
27 ical standards of such designated association, including a medical
28 history, a complete physical examination, developmental assessment,

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

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1 anticipatory guidance, appropriate immunizations and laboratory tests
2 which tests are ordered at the time of the visit and performed in the
3 practitioner's office, as authorized by law, or in a clinical laboratory;
4 [and]

5 (iii) necessary immunizations as determined by the superintendent in
6 consultation with the commissioner of health consisting of at least
7 adequate dosages of vaccine against diphtheria, pertussis, tetanus,
8 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-
9 titis b which meet the standards approved by the United States public
10 health service for such biological products[.]; AND

11 (IV) IMMUNIZATIONS DETERMINED BY THE DEPENDENT CHILD'S PHYSICIAN TO BE
12 MEDICALLY APPROPRIATE CONSISTING OF AT LEAST ADEQUATE DOSES OF VACCINE
13 AGAINST HUMAN PAPILLOMA VIRUS WHICH MEETS THE STANDARD APPROVED BY THE
14 UNITED STATES PUBLIC HEALTH SERVICE FOR SUCH BIOLOGICAL PRODUCTS.

15 S 3. Paragraph 2 of subsection (j) of section 4303 of the insurance
16 law, as amended by chapter 728 of the laws of 1993, is amended to read
17 as follows:

18 (2) For purposes of this subsection, preventive and primary care
19 services shall mean the following services rendered to a dependent child
20 of a subscriber from the date of birth through the attainment of nine-
21 teen years of age: (i) an initial hospital check-up and well-child
22 visits scheduled in accordance with the prevailing clinical standards of
23 a national association of pediatric physicians designated by the commis-
24 sioner of health (except for any standard that would limit the specialty
25 or forum of licensure of the practitioner providing the service other
26 than the limits under state law). Coverage for such services rendered
27 shall be provided only to the extent that such services are provided by
28 or under the supervision of a physician, or other professional licensed
29 under article one hundred thirty-nine of the education law whose scope
30 of practice pursuant to such law includes the authority to provide the
31 specified services. Coverage shall be provided for such services
32 rendered in a hospital, as defined in section twenty-eight hundred one
33 of the public health law, or in an office of a physician or other
34 professional licensed under article one hundred thirty-nine of the
35 education law whose scope of practice pursuant to such law includes the
36 authority to provide the specified services, (ii) at each visit,
37 services in accordance with the prevailing clinical standards of such
38 designated association, including a medical history, a complete physical
39 examination, developmental assessment, anticipatory guidance, appropri-
40 ate immunizations and laboratory tests which tests are ordered at the
41 time of the visit and performed in the practitioner's office, as author-
42 ized by law, or in a clinical laboratory, [and] (iii) necessary immuni-
43 zations as determined by the superintendent in consultation with the
44 commissioner of health consisting of at least adequate dosages of
45 vaccine against diphtheria, pertussis, tetanus, polio, measles, rubella,
46 mumps, haemophilus influenzae type b and hepatitis b which meet the
47 standards approved by the United States public health service for such
48 biological products, AND (IV) IMMUNIZATIONS DETERMINED BY THE DEPENDENT
49 CHILD'S PHYSICIAN TO BE MEDICALLY APPROPRIATE CONSISTING OF AT LEAST
50 ADEQUATE DOSES OF VACCINE AGAINST HUMAN PAPILLOMA VIRUS WHICH MEETS THE
51 STANDARD APPROVED BY THE UNITED STATES PUBLIC HEALTH SERVICE FOR SUCH
52 BIOLOGICAL PRODUCTS. Such coverage shall not be subject to annual
53 deductibles and/or coinsurance. Such coverage shall not restrict or
54 eliminate existing coverage provided by the contract.

55 S 4. This act shall take effect immediately.