S T A T E  O F  N E W  Y O R K

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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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Clauses (ii) and (iii) of subparagraph (B) of paragraph 17 of subsection (i) of section 3216 of the insurance law, as added by chapter 728 of the laws of 1993, are amended and a new clause (iv) is added to read as follows:

(ii) at each visit, services in accordance with the prevailing clinical standards of such designated association, including a medical history, a complete physical examination, developmental assessment, anticipatory guidance, appropriate immunizations and laboratory tests which tests are ordered at the time of the visit and performed in the practitioner's office, as authorized by law, or in a clinical laboratory; [and]

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

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

S 2. Clauses (ii) and (iii) of subparagraph (B) of paragraph 8 of subsection (l) of section 3221 of the insurance law, as amended by chapter 728 of the laws of 1993, are amended and a new clause (iv) is added to read as follows:

(ii) at each visit, services in accordance with the prevailing clinical standards of such designated association, including a medical 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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anticipatory guidance, appropriate immunizations and laboratory tests which tests are ordered at the time of the visit and performed in the practitioner's office, as authorized by law, or in a clinical laboratory; [and]

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

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

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

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

S 4. This act shall take effect immediately.