

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ROBACH -- 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 authorizing insurance coverage for equipment and supplies used for the treatment of ostomies

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) EVERY POLICY WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVER-
4 AGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY
5 WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE
6 SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT AND SUPPLIES USED FOR
7 THE TREATMENT OF OSTOMIES, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN
8 OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE
9 UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES, COLLECTION BAGS,
10 CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY RINGS AND OSTOMY
11 BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL
12 PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A LIST OF ADDI-
13 TIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE MEDICALLY
14 NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL ALSO BE
15 COVERAGE.
16 S 2. Subsection (k) of section 3221 of the insurance law is amended by
17 adding a new paragraph 15 to read as follows:
18 (15) EVERY GROUP OR BLANKET ACCIDENT AND HEALTH INSURANCE POLICY
19 ISSUED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL
20 COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S
21 OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPRE-
22 HENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT
23 AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES, IF RECOMMENDED OR
24 PRESCRIBED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY

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

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1 AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES,
2 COLLECTION BAGS, CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY
3 RINGS AND OSTOMY BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT
4 OF HEALTH SHALL PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A
5 LIST OF ADDITIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE
6 MEDICALLY NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL
7 ALSO BE COVERAGE.

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

10 (U-1)(1) A MEDICAL EXPENSE INDEMNITY CORPORATION OR A HEALTH SERVICE
11 CORPORATION WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR
12 PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH
13 PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL
14 INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT AND SUPPLIES USED FOR THE
15 TREATMENT OF OSTOMIES, IF RECOMMENDED OR PRESCRIBED BY A PHYSICIAN OR
16 OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE
17 UNDER TITLE EIGHT OF THE EDUCATION LAW: FLANGES, COLLECTION BAGS,
18 CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY RINGS AND OSTOMY
19 BELTS. IN ADDITION, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL
20 PROVIDE AND PERIODICALLY UPDATE BY RULE OR REGULATION A LIST OF ADDI-
21 TIONAL OSTOMY EQUIPMENT AND RELATED SUPPLIES SUCH AS ARE MEDICALLY
22 NECESSARY FOR THE TREATMENT OF OSTOMIES FOR WHICH THERE SHALL ALSO BE
23 COVERAGE.

24 (2) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE
25 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT
26 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

27 (3) THIS SUBSECTION SHALL NOT APPLY TO A POLICY WHICH COVERS PERSONS
28 EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS
29 THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS EMPLOYED IN MORE
30 THAN ONE STATE.

31 S 4. Subsection (c) of section 4321 of the insurance law, as added by
32 chapter 504 of the laws of 1995, is amended to read as follows:

33 (c) The health maintenance organization shall impose a fifteen dollar
34 copayment on all visits to a physician or other provider with the excep-
35 tion of visits for pre-natal and post-natal care or well child visits
36 provided pursuant to paragraph two of subsection (j) of section four
37 thousand three hundred three of this article for which no copayment
38 shall apply. A copayment of fifteen dollars shall be imposed on equip-
39 ment, supplies and self-management education for the treatment of
40 diabetes. A COPAYMENT OF FIFTEEN DOLLARS SHALL BE IMPOSED ON EQUIPMENT
41 AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES. A fifty dollar copay-
42 ment shall be imposed on emergency services rendered in the emergency
43 room of a hospital; however, this copayment must be waived if hospital
44 admission results. Surgical services shall be subject to a copayment of
45 the lesser of twenty percent of the cost of such services or two hundred
46 dollars per occurrence. A five hundred dollar copayment shall be imposed
47 on inpatient hospital services per continuous hospital confinement.
48 Ambulatory surgical services shall be subject to a facility copayment
49 charge of seventy-five dollars. Coinsurance of ten percent shall apply
50 to visits for the diagnosis and treatment of mental, nervous or
51 emotional disorders or ailments.

52 S 5. Subsection (b) of section 4322 of the insurance law is amended by
53 adding a new paragraph 28 to read as follows:

54 (28) EQUIPMENT AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES.

55 S 6. Subsection (c) of section 4322 of the insurance law, as added by
56 chapter 504 of the laws of 1995, is amended to read as follows:

1 (c) The in-plan benefit system shall impose a ten dollar copayment on
2 all visits to a physician or other provider with the exception of visits
3 for pre-natal and post-natal care or well child visits provided pursuant
4 to paragraph two of subsection (j) of section four thousand three
5 hundred three of this article for which no copayment shall apply. A
6 copayment of ten dollars shall be imposed on equipment, supplies and
7 self-management education for the treatment of diabetes. A COPAYMENT OF
8 TEN DOLLARS SHALL BE IMPOSED ON EQUIPMENT AND SUPPLIES USED FOR THE
9 TREATMENT OF OSTOMIES. Coinsurance of ten percent shall apply to visits
10 for the diagnosis and treatment of mental, nervous or emotional disor-
11 ders or ailments. A thirty-five dollar copayment shall be imposed on
12 emergency services rendered in the emergency room of a hospital; howev-
13 er, this copayment must be waived if hospital admission results.

14 S 7. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law and shall apply to all
16 policies and contracts issued, renewed, modified, altered or amended on
17 or after such effective date.