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

6363

2009-2010 Regular Sessions

I N S E N A T E

December 30, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to requiring certain health insurance policies to cover diagnostic testing for colorectal cancer

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 27 to read as follows:

(27) (A) EVERY HEALTH INSURANCE POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE TO ANY PERSON OVER THE AGE OF FORTY-FIVE WHO IS ASYMPTOMATIC OR ANY PERSON OF ANY AGE WHO IS CONSIDERED TO BE AT HIGH RISK FOR COLORECTAL CANCER:

(I) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO:

(I) A COLONSCOPY;

(II) FLEXIBLE SIGMOIDOSCOPY;

(III) A SCREENING FECAL OCCULT BLOOD TEST;

(IV) BARIUM ENEMA;

(II) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE; AND

(III) ANY COMBINATION OF SUCH TESTING AND SCREENING THAT THE POLICYHOLDER'S PHYSICIAN DETERMINES TO BE MEDICALLY NECESSARY AND APPROPRIATE.

(B) FOR PURPOSES OF THIS SECTION, THE TERM "HIGH RISK FOR COLORECTAL CANCER" SHALL INCLUDE:

(I) A PERSONAL HISTORY OF COLORECTAL CANCER OR COLORECTAL POLYPS;

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

LBD15138-02-9

(II) A STRONG FAMILY HISTORY OF THE DISEASE;
(III) AN INHERITED GENETIC SUSCEPTIBILITY TO THE DISEASE, INCLUDING, BUT NOT LIMITED TO, FAMILIAL ADENOMATOUS POLYPOSIS AND HEREDITARY NON-POLYPOSIS COLORECTAL CANCER;
(IV) A PREDISPOSING CHRONIC DIGESTIVE CONDITION SUCH AS INFLAMMATORY BOWEL DISEASE, INCLUDING CROHN'S DISEASE AND ULCERATIVE COLITIS; OR
(V) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.
(C) 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.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 16 to read as follows:

(16)(A) EVERY GROUP HEALTH INSURANCE POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE TO ANY PERSON OVER THE AGE OF FORTY-FIVE WHO IS ASYMPTOMATIC OR ANY PERSON OF ANY AGE WHO IS CONSIDERED TO BE AT HIGH RISK FOR COLORECTAL CANCER:
(I) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO:
(I) A COLONOSCOPY;
(II) FLEXIBLE SIGMOIDOSCOPY;
(III) A SCREENING FECAL OCCULT BLOOD TEST;
(IV) BARIUM ENEMA;
(II) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE; AND
(III) ANY COMBINATION OF SUCH TESTING AND SCREENING THAT THE POLICYHOLDER'S PHYSICIAN DETERMINES TO BE MEDICALLY NECESSARY AND APPROPRIATE.
(B) FOR PURPOSES OF THIS SECTION, THE TERM "HIGH RISK FOR COLORECTAL CANCER" SHALL INCLUDE:
(I) A PERSONAL HISTORY OF COLORECTAL CANCER OR COLORECTAL POLYPS;
(II) A STRONG FAMILY HISTORY OF THE DISEASE;
(III) AN INHERITED GENETIC SUSCEPTIBILITY TO THE DISEASE, INCLUDING, BUT NOT LIMITED TO, FAMILIAL ADENOMATOUS POLYPOSIS AND HEREDITARY NON-POLYPOSIS COLORECTAL CANCER;
(IV) A PREDISPOSING CHRONIC DIGESTIVE CONDITION SUCH AS INFLAMMATORY BOWEL DISEASE, INCLUDING CROHN'S DISEASE AND ULCERATIVE COLITIS; OR
(V) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.
(C) 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.

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

(GG) (1) EVERY HEALTH SERVICE CORPORATION OR A MEDICAL SERVICE EXPENSE INDEMNITY CORPORATION WHICH PROVIDES MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND EVERY POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE, UPON THE PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW, THE FOLLOWING COVERAGE TO ANY PERSON OVER THE AGE OF FORTY-FIVE WHO IS

ASYMPTOMATIC OR ANY PERSON OF ANY AGE WHO IS CONSIDERED TO BE AT HIGH RISK FOR COLORECTAL CANCER:

(A) STANDARD DIAGNOSTIC TESTING INCLUDING, BUT NOT LIMITED TO:

(I) A COLONOSCOPY;

(II) FLEXIBLE SIGMOIDOSCOPY;

(III) A SCREENING FECAL OCCULT BLOOD TEST;

(IV) BARIUM ENEMA;

(B) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE; AND

(C) ANY COMBINATION OF SUCH TESTING AND SCREENING THAT THE POLICYHOLDER'S PHYSICIAN DETERMINES TO BE MEDICALLY NECESSARY AND APPROPRIATE.

(2) FOR PURPOSES OF THIS SECTION, THE TERM "HIGH RISK FOR COLORECTAL CANCER" SHALL INCLUDE:

(A) A PERSONAL HISTORY OF COLORECTAL CANCER OR COLORECTAL POLYPS;

(B) A STRONG FAMILY HISTORY OF THE DISEASE;

(C) AN INHERITED GENETIC SUSCEPTIBILITY TO THE DISEASE, INCLUDING, BUT NOT LIMITED TO, FAMILIAL ADENOMATOUS POLYPOSIS AND HEREDITARY NON-POLYPOSIS COLORECTAL CANCER;

(D) A PREDISPOSING CHRONIC DIGESTIVE CONDITION SUCH AS INFLAMMATORY BOWEL DISEASE, INCLUDING CROHN'S DISEASE AND ULCERATIVE COLITIS; OR

(E) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.

(3) 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.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply according to its terms to all policies, contracts and certificates issued, renewed, modified, altered or amended on or after such effective date.