

1611

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. ORTIZ -- read once and referred to the Committee
on Insurance

AN ACT to amend the insurance law, in relation to requiring health
insurance policies to provide coverage for medically necessary care
for the treatment of autism spectrum disorder

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

1 Section 1. Paragraph 25 of subsection (i) of section 3216 of the
2 insurance law, as added by chapter 557 of the laws of 2006, is amended
3 to read as follows:
4 (25) (A) Every policy which provides coverage for hospital, surgical,
5 or medical care coverage shall not exclude coverage for diagnosis and
6 treatment of medical conditions otherwise covered by the policy solely
7 because the treatment is provided to diagnose or treat autism spectrum
8 disorder. For purposes of this section, "autism spectrum disorder" means
9 a neurobiological condition that includes autism, Asperger syndrome,
10 Rett's syndrome, or pervasive developmental disorder.
11 (B) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR
12 MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING,
13 TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTA-
14 TION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND
15 PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY
16 OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER
17 REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING
18 ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED
19 BY THE TREATING PHYSICIAN.
20 S 2. Paragraph 17 of subsection (1) of section 3221 of the insurance
21 law, as added by chapter 557 of the laws of 2006, is amended to read as
22 follows:
23 (17) (A) A group or blanket accident or health insurance policy or
24 issuing a group or blanket policy for delivery in this state which

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

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1 provides coverage for hospital, surgical, or medical care coverage shall
2 not exclude coverage for diagnosis and treatment of medical conditions
3 otherwise covered by the policy because the treatment is provided to
4 diagnose or treat autism spectrum disorder. For purposes of this
5 section, "autism spectrum disorder" means a neurobiological condition
6 that includes autism, Asperger syndrome, Rett's syndrome, or pervasive
7 developmental disorder.

8 (B) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR
9 MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING,
10 TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTA-
11 TION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND
12 PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY
13 OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER
14 REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING
15 ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED
16 BY THE TREATING PHYSICIAN.

17 S 3. Subsection (ee) of section 4303 of the insurance law, as added by
18 chapter 557 of the laws of 2006, is amended to read as follows:

19 (ee) (1) A medical expense indemnity corporation, a hospital service
20 corporation or a health service corporation which provides coverage for
21 hospital, surgical, or medical care coverage shall not exclude coverage
22 for diagnosis and treatment of medical conditions otherwise covered by
23 the policy solely because the treatment is provided to diagnose or treat
24 autism spectrum disorder. For purposes of this section, "autism spectrum
25 disorder" means a neurobiological condition that includes autism, Asper-
26 ger syndrome, Rett's syndrome, or pervasive developmental disorder.

27 (2) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR
28 MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING,
29 TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTA-
30 TION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND
31 PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY
32 OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER
33 REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING
34 ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED
35 BY THE TREATING PHYSICIAN.

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