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

1969

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

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

AN ACT to amend the insurance law, in relation to health insurance benefits for dependent children

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

Section 1. Paragraph 4 of subsection (a) of section 3216 of the insurance law, as amended by section 65-d of part A of chapter 58 of the laws of 2007, subparagraph (C) as added by chapter 240 of the laws of 2009, is amended to read as follows:

(4) "Dependent children" [(A)] shall include any [children under a specified age which shall not exceed age nineteen] DEPENDENT CHILD UP TO AT LEAST TWENTY-FIVE YEARS OF AGE WHO IS NOT OTHERWISE COVERED UNDER A POLICY OF ACCIDENT AND HEALTH INSURANCE OFFERED THROUGH HIS OR HER EMPLOYER except[:

(i) Any] ANY unmarried dependent child, regardless of age, who is incapable of self-sustaining employment by reason of mental illness, developmental disability, or mental retardation as defined in the mental hygiene law, or physical handicap and who became so incapable prior to the age at which dependent coverage would otherwise terminate, shall be included in coverage subject to any pre-existing conditions limitation applicable to other dependents.

[(ii) Any unmarried student at an accredited institution of learning may be considered a dependent child until attaining age twenty-three.

(B) may include, at the option of the insurer, any unmarried child until attaining age twenty-five.

(C)] In addition to the requirements of [subparagraphs (A) and (B) of] this paragraph, every insurer issuing a policy pursuant to this section that provides coverage for dependent children must make available and, if requested by the policyholder, extend coverage under the policy to an unmarried child through age twenty-nine, without regard to financial

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

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dependence who is not insured by or eligible for coverage under an employer sponsored health benefit plan covering them as an employee or member, whether insured or self-insured, and who lives, works or resides in New York state or the service area of the insurer. Such coverage shall be made available at the inception of all new policies and at the first anniversary date of a policy following the effective date of this subparagraph. Written notice of the availability of such coverage shall be delivered to the policyholder thirty days prior to the inception of such group policy and thirty days prior to the first anniversary date following the effective date of this subparagraph.

S 2. Subparagraph (A) of paragraph 1 of subsection (d) of section 4304 of the insurance law, as amended by chapter 240 of the laws of 2009, is amended to read as follows:

(A) No contract issued pursuant to this section shall entitle more than one person to benefits except that a contract issued and marked as a "family contract" [may] SHALL provide that benefits will be furnished to a husband and wife, or husband, wife and their dependent child or children, or any child or children [not over nineteen] UP TO AT LEAST TWENTY-FIVE years of age, [provided that an unmarried student at an accredited institution of learning may be considered a dependent until he becomes twenty-three years of age, provided that the coverage of any such "family contract" may include, at the option of the insurer, any unmarried child until attaining age twenty-five,] WHO IS NOT OTHERWISE COVERED UNDER A POLICY OF ACCIDENT AND HEALTH INSURANCE OFFERED THROUGH HIS OR HER EMPLOYER and provided also that the coverage of any such "family contract" shall include any other unmarried child, regardless of age, who is incapable of self-sustaining employment by reason of mental illness, developmental disability, mental retardation, as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which dependent coverage would otherwise terminate, so that such child may be considered a dependent.

S 3. Subparagraph (A) of paragraph 1 of subsection (c) of section 4305 of the insurance law, as amended by chapter 240 of the laws of 2009, is amended to read as follows:

(A) Any such contract may provide that benefits will be furnished to a member of a covered group, for himself, his spouse, his child or children, or other persons chiefly dependent upon him for support and maintenance; provided that a contract under which coverage of a dependent of a member terminates at a specified age, WHICH SHALL NOT BE LESS THAN TWENTY-FIVE YEARS FOR A DEPENDENT CHILD WHO IS NOT OTHERWISE COVERED BY A POLICY OF ACCIDENT AND HEALTH INSURANCE OFFERED BY HIS OR HER EMPLOYER, shall, with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental illness, developmental disability, mental retardation, as defined in the mental hygiene law, or physical handicap and who became so incapable prior to attainment of the age at which dependent coverage would otherwise terminate and who is chiefly dependent upon such member for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the member has within thirty-one days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein.

S 4. This act shall take effect immediately and shall apply to policies issued, renewed, modified or amended on and after such date.