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

2808

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. O'DONNELL, GUNTHER, GOTTFRIED, CASTRO, SCARBOROUGH, ZEBROWSKI, COLTON, DINOWITZ, DenDEKKER, BROOK-KRASNY, TITONE, MAGNARELLI, CAMARA, LANCMAN, BOYLAND -- Multi-Sponsored by -- M. of A. BARRON, BRENNAN, BURLING, CAHILL, GABRYSZAK, GLICK, LUPARDO, MARKEY, McDONOUGH, MENG, PHEFFER, RUSSELL, SWEENEY, THIELE, WEISENBERG, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the insurance law and the social services law, in relation to requiring health care service plans and health insurers to provide insurance coverage for human immunodeficiency virus (HIV) testing

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 28 to read as follows:

(28) EVERY POLICY WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL CARE COVERAGE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING, REGARDLESS OF WHETHER THE TESTING IS RELATED TO A PRIMARY DIAGNOSIS.

S 2. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) A GROUP OR BLANKET ACCIDENT OR HEALTH INSURANCE POLICY OR ISSUING A GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING, REGARDLESS OF WHETHER THE TESTING IS RELATED TO A PRIMARY DIAGNOSIS.

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

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

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(HH) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING, REGARDLESS OF WHETHER THE TESTING IS RELATED TO A PRIMARY DIAGNOSIS.

S 4. Subparagraphs (xv) and (xvi) of paragraph (e) of subdivision 1 of section 369-ee of the social services law, subparagraph (xv) as amended and subparagraph (xvi) as added by chapter 526 of the laws of 2002, are amended and a new subparagraph (xvii) is added to read as follows:

(xv) services provided to meet the requirements of 42 U.S.C. 1396d(r); [and]

(xvi) hospice services[.]; AND

(XVII) HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING.

S 5. This act shall take effect immediately.