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

3389--A

2011-2012 Regular Sessions

I N S E N A T E

February 17, 2011

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the social services law and the insurance law, in relation to providing that persons with hemophilia and other clotting protein deficiencies who are otherwise eligible for the Child Health Plus, Family Health Plus, and Healthy New York programs shall have access to reimbursement for outpatient blood clotting factor concentrates and other necessary treatments and services

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

Section 1. Subdivision 7 of section 2510 of the public health law, as amended by section 21 of part B of chapter 109 of the laws of 2010, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; inpatient health care services; laboratory tests; diagnostic x-rays; prescription and non-prescription drugs and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; OUTPATIENT BLOOD CLOTTING FACTOR PRODUCTS AND OTHER TREATMENTS AND SERVICES FURNISHED IN CONNECTION WITH THE CARE OF HEMOPHILIA AND OTHER BLOOD CLOTTING PROTEIN DEFICIENCIES; emergency room services; hospice services; emergency, preventive and routine dental care, including medically necessary orthodontia but excluding cosmetic surgery; emergency, preventive and routine vision care, including eyeglasses; speech and hearing services; and, inpatient and outpatient mental health, alcohol and substance abuse services as defined by the commissioner in consulta-

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

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tion with the superintendent. "Covered health care services" shall not include drugs, procedures and supplies for the treatment of erectile dysfunction when provided to, or prescribed for use by, a person who is required to register as a sex offender pursuant to article six-C of the correction law, provided that any denial of coverage of such drugs, procedures or supplies shall provide the patient with the means of obtaining additional information concerning both the denial and the means of challenging such denial.

S 2. Subdivision 7 of section 2510 of the public health law, as added by chapter 922 of the laws of 1990, is amended to read as follows:

7. a. "Primary and preventive health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; laboratory tests; diagnostic x-rays; prescription drugs; radiation therapy; chemotherapy; hemodialysis; OUTPATIENT BLOOD CLOTTING FACTOR PRODUCTS AND OTHER TREATMENTS AND SERVICES FURNISHED IN CONNECTION WITH THE CARE OF HEMOPHILIA AND OTHER BLOOD CLOTTING PROTEIN DEFICIENCIES; emergency room services; hospice services; and, outpatient alcohol and substance abuse services as defined by the commissioner in consultation with the superintendent.

b. "Optional primary and preventive health care services" means: dental, vision, speech and hearing services as defined by the commissioner in consultation with the superintendent.

S 3. 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 paragraph (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) OUTPATIENT BLOOD CLOTTING FACTOR PRODUCTS AND OTHER TREATMENTS AND SERVICES FURNISHED IN CONNECTION WITH THE CARE OF HEMOPHILIA AND OTHER BLOOD CLOTTING PROTEIN DEFICIENCIES AS DEFINED BY THE COMMISSIONER OF HEALTH IN CONSULTATION WITH THE SUPERINTENDENT.

S 4. Paragraph 13 of subsection (d) of section 4326 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(13) blood and blood products furnished in connection with surgery or inpatient hospital services OR OUTPATIENT SERVICES FOR HEMOPHILIA AND OTHER BLOOD CLOTTING PROTEIN DEFICIENCIES;

S 5. This act shall take effect on the first of April next succeeding the date upon which it shall have become a law; provided, however, that the amendments to subdivision 7 of section 2510 of the public health law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 47 of chapter 2 of the laws of 1998, as amended, when upon such date the provisions of section two of this act shall take effect.