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

4350--A

2011-2012 Regular Sessions

I N S E N A T E

March 30, 2011

Introduced by Sens. OPPENHEIMER, ESPAILLAT, SAMPSON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance 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 insurance law, in relation to requiring policies and contracts of insurance providing hospital, surgical, or medical care coverage to include coverage for human leukocyte antigen 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 29 to read as follows:

(29) 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 LEUKOCYTE ANTIGEN TESTING, ALSO REFERRED TO AS HISTOCOMPATIBLE LOCUS ANTIGEN TESTING, FOR A, B, AND DR ANTIGENS FOR UTILIZATION IN TISSUE TYPING FOR BONE MARROW TESTING.

S 2. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 19 to read as follows:

(19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE COVERAGE FOR HUMAN LEUKOCYTE ANTIGEN TESTING, ALSO REFERRED TO AS HISTOCOMPATIBLE LOCUS ANTIGEN TESTING, FOR A, B, AND DR ANTIGENS FOR UTILIZATION IN TISSUE TYPING FOR BONE MARROW TESTING, EXCEPT THAT THIS PROVISION SHALL NOT APPLY TO A POLICY WHICH COVERS PERSONS EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS WHO ARE EMPLOYED IN MORE THAN ONE STATE.

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

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

(II) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE SHALL PROVIDE COVERAGE FOR HUMAN LEUKOCYTE ANTIGEN TESTING, ALSO REFERRED TO AS HISTOCOMPATIBLE LOCUS ANTIGEN TESTING, FOR A, B, AND DR ANTIGENS FOR UTILIZATION IN TISSUE TYPING FOR BONE MARROW TESTING, EXCEPT THAT THIS PROVISION SHALL NOT APPLY TO A CONTRACT WHICH COVERS PERSONS EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS WHO ARE EMPLOYED IN MORE THAN ONE STATE.

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 to all policies and contracts issued, renewed, modified, altered, or amended on or after such effective date. Effective immediately any rules or regulations necessary for the implementation of this act on its effective date shall be promulgated, and any other measures necessary for the implementation of this act on its effective date shall be taken, on or before such effective date.