

2457

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 18, 2011

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Introduced by M. of A. LIFTON, JAFFEE, KAVANAGH, MAISEL, O'DONNELL,  
PEOPLES-STOKES, MARKEY, ROSENTHAL -- Multi-Sponsored by -- M. of A.  
BOYLAND, CLARK, COLTON, GALEF, GUNTHER, LANCMAN, V. LOPEZ, MAYERSOHN,  
McENENY, PHEFFER, TOWNS, WEISENBERG -- read once and referred to the  
Committee on Insurance

AN ACT to amend the insurance law, in relation to providing coverage for  
family members of children who require psychiatric or psychological  
services

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

1     Section 1. Subsection (i) of section 3216 of the insurance law is  
2     amended by adding a new paragraph 28 to read as follows:  
3     (28) (A) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSUR-  
4     ANCE FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR PSYCHIATRIC  
5     OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF MENTAL, NERVOUS  
6     OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE AND PROVIDE  
7     COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGHTEEN YEARS OF  
8     AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS DETER-  
9     MINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE STATE  
10    INVOLVING ANY FAMILY MEMBER OF AN INSURED.  
11    (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS  
12    A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT  
13    PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF  
14    FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS  
15    OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-  
16    BLE POLICY OR CONTRACT.  
17    S 2. Subsection (l) of section 3221 of the insurance law is amended by  
18    adding a new paragraph 18 to read as follows:  
19    (18) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE FOR  
20    PSYCHIATRIC OR PSYCHOLOGICAL SERVICES OR DIAGNOSIS OR TREATMENT OF  
21    MENTAL, NERVOUS OR EMOTIONAL DISORDERS OR AILMENTS SHALL MAKE AVAILABLE

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

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1 AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE INSURED IS UNDER EIGH-  
2 TEEN YEARS OF AGE. IN THIS PARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY  
3 SESSIONS DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFES-  
4 SIONAL IN THE STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

5 (B) THE COVERAGE REQUIRED BY THIS PARAGRAPH SHALL INCLUDE TREATMENT AS  
6 A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR CONTRACT  
7 PROVIDED SUCH FAMILY MEMBER (I) DOES NOT EXCEED THE ALLOWABLE NUMBER OF  
8 FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT, AND (II) IS  
9 OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY MEMBER'S APPLICA-  
10 BLE POLICY OR CONTRACT.

11 S 3. Subsection (i) of section 4303 of the insurance law, as amended  
12 by chapter 230 of the laws of 2004, is amended to read as follows:

13 (i) A medical expense indemnity corporation or health service corpo-  
14 ration which provides coverage for physicians, psychiatrists or psychol-  
15 ogists for psychiatric or psychological services or for the diagnosis  
16 and treatment of mental, nervous or emotional disorders and ailments,  
17 however defined in such contract, must make available and if requested  
18 by all persons holding individual contracts in a group whose premiums  
19 are paid by a remitting agent or by the contract holder in the case of a  
20 group contract issued pursuant to section four thousand three hundred  
21 five of this article[,]: (A) provide the same coverage for such services  
22 when performed by a licensed clinical social worker, within the lawful  
23 scope of his or her practice, who is licensed pursuant to article one  
24 hundred fifty-four of the education law. The state board for social work  
25 shall maintain a list of all licensed clinical social workers qualified  
26 for reimbursement under this subsection. Such coverage shall be made  
27 available at the inception of all new contracts and, with respect to all  
28 other contracts, at any anniversary date subject to evidence of insura-  
29 bility. Written notice of the availability of such coverage shall be  
30 delivered to the group remitting agent or group contract holder prior to  
31 inception of such contract and annually thereafter, except that this  
32 notice shall not be required where a policy covers two hundred or more  
33 employees or where the benefit structure was the subject of collective  
34 bargaining affecting persons who are employed in more than one state[.];  
35 AND (B) MAKE AVAILABLE AND PROVIDE COVERAGE FOR FAMILY SESSIONS WHEN THE  
36 INSURED IS UNDER EIGHTEEN YEARS OF AGE.

37 (I) IN THIS SUBPARAGRAPH, "FAMILY SESSIONS" MEANS THERAPY SESSIONS  
38 DETERMINED AS NECESSARY BY A LICENSED PSYCHOLOGICAL PROFESSIONAL IN THE  
39 STATE INVOLVING ANY FAMILY MEMBER OF AN INSURED.

40 (II) THE COVERAGE REQUIRED BY THIS SUBPARAGRAPH SHALL INCLUDE TREAT-  
41 MENT AS A FAMILY MEMBER PURSUANT TO SUCH FAMILY MEMBER'S OWN POLICY OR  
42 CONTRACT PROVIDED SUCH FAMILY MEMBER (1) DOES NOT EXCEED THE ALLOWABLE  
43 NUMBER OF FAMILY VISITS PROVIDED BY THE APPLICABLE POLICY OR CONTRACT,  
44 AND (2) IS OTHERWISE ENTITLED TO COVERAGE PURSUANT TO SUCH FAMILY  
45 MEMBER'S APPLICABLE POLICY OR CONTRACT.

46 S 4. This act shall take effect on the one hundred twentieth day after  
47 it shall have become a law, except that any rule or regulation necessary  
48 for the timely implementation of this act on its effective date shall be  
49 promulgated on or before such date.