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

3404

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

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

AN ACT to amend the insurance law, in relation to reimbursement for nutrition and dietetic services

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

Section 1. Subparagraphs (F), (G) and (H) of paragraph 4 of subsection (f) of section 4235 of the insurance law, subparagraph (F) as added and subparagraphs (G) and (H) as relettered by chapter 456 of the laws of 1993, are amended and a new subparagraph (I) is added to read as follows:

(F) any speech-language pathology or audiology service which is within the lawful scope of practice of a duly licensed speech-language pathologist or audiologist, a subscriber to such policy shall be entitled to reimbursement for such service whether the said service is performed by a physician or duly licensed speech-language pathologist or audiologist, provided however, that nothing contained herein shall be construed to impair any terms of such policy which may require said service to be performed pursuant to a medical order, or a similar or related service of a physician, in which case coverage need not be provided for any tests, evaluations or diagnoses if such tests, evaluations or diagnoses have already been provided by or through a physician within twelve months of the referral or order from the physician. However, nothing herein shall be construed as preventing an insurer from covering more than one test or evaluation provided by a speech-language pathologist or audiologist within a twelve-month period where such test or evaluation is ordered by a physician as medically necessary. Nor shall anything herein be construed as prohibiting the limitation of such services, where covered, to specified settings other than offices, such as hospitals or to services provided by such professionals as part of a home care agency's services; and when such policy or any certificate issued

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

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thereunder is delivered or issued for delivery without the state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for speech-language pathology or audiology service as herein provided[.];

(G) psychiatric or psychological services or for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments, however defined in such policy, a subscriber to such policy shall be entitled to reimbursement for such psychiatric or psychological services or diagnosis or treatment whether performed by a physician, psychiatrist or a certified and registered psychologist when the services rendered are within the lawful scope of their practice, and when such policy or any certificate issued thereunder is delivered or issued for delivery without this state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for such diagnosis and treatment by a physician, psychiatrist or a certified and registered psychologist as hereinabove provided; [and]

(H) any service which is within the lawful scope of practice of a licensed chiropractor, a subscriber to such policy shall be entitled to reimbursement for such service when such service is performed by a licensed chiropractor[.]; AND

(I) ANY NUTRITION OR DIETETIC SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A DULY CERTIFIED NUTRITIONIST, CERTIFIED DIETITIAN, OR REGISTERED DIETITIAN, A SUBSCRIBER TO SUCH POLICY SHALL BE ENTITLED TO REIMBURSEMENT FOR SUCH SERVICE WHETHER SUCH SERVICE IS PERFORMED BY A PHYSICIAN OR DULY CERTIFIED NUTRITIONIST, CERTIFIED DIETITIAN, OR REGISTERED DIETITIAN, PROVIDED HOWEVER, THAT SUCH SERVICE, WHEN RENDERED BY A CERTIFIED NUTRITIONIST, CERTIFIED DIETITIAN, OR REGISTERED DIETITIAN, SHALL BE PERFORMED PURSUANT TO A MEDICAL ORDER OR REFERRAL OF A PHYSICIAN, AND WHEN SUCH POLICY OR ANY CERTIFICATE ISSUED THEREUNDER IS DELIVERED OR ISSUED FOR DELIVERY WITHOUT THE STATE BY AN AUTHORIZED INSURER, COVERED PERSONS RESIDING IN THIS STATE SHALL BE ENTITLED TO REIMBURSEMENT FOR NUTRITION OR DIETETIC SERVICE AS PROVIDED IN THIS SUBPARAGRAPH.

S 2. Subparagraphs (J) and (K) of paragraph 1 of subsection (b) of section 4301 of the insurance law, as relettered by chapter 456 of the laws of 1993, are relettered subparagraphs (K) and (L) and a new subparagraph (J) is added to read as follows:

(J) NUTRITION OR DIETETIC SERVICES PROVIDED THROUGH CERTIFIED NUTRITIONISTS, CERTIFIED DIETITIANS OR REGISTERED DIETITIANS, PROVIDED HOWEVER, THAT SAID SERVICE, WHEN RENDERED BY A CERTIFIED NUTRITIONIST, CERTIFIED DIETITIAN, OR REGISTERED DIETITIAN, SHALL BE PERFORMED PURSUANT TO A MEDICAL ORDER OR REFERRAL OF A PHYSICIAN,

S 3. Paragraph 3 of subsection (b) of section 4301 of the insurance law, as amended by chapter 593 of the laws of 2000, is amended to read as follows:

(3) Every medical expense indemnity corporation shall be open to the participation of licensed physicians, podiatrists, chiropractors, optometrists, physical and occupational therapists, CERTIFIED NUTRITIONISTS, CERTIFIED DIETITIANS, REGISTERED DIETITIANS, speech-language pathologists, audiologists, and dentists, certified and registered psychologists without discrimination against schools of medical practice, podiatry practice, chiropractic practice, optometric practice, physical and occupational therapy practice, dental practice, speech-language pathology practice (subject to the permitted limitations of paragraph one of this subsection), audiology practice (subject to the permitted

limitations of paragraph one of this subsection), and psychological training as defined in the education law.

S 4. This act shall take effect on the first of September 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 date.