

3545

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. CYMBROWITZ, CASTRO, SCHROEDER, TITONE, GIBSON --
Multi-Sponsored by -- M. of A. PHEFFER -- read once and referred to
the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance coverage for
prostheses

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 INDIVIDUAL POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMI-
4 LAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE PURCHASE
5 OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB
6 DUE TO ACCIDENT, INJURY OR DISEASE OR THE TREATMENT OF SUCH CONDITIONS,
7 PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE
8 PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCA-
9 TION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE STATING HIS OR HER
10 OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE
11 PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.
12 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
13 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
14 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-
15 AGE MAY BE LIMITED TO ONE PROSTHESES FOR THE LIFE OF THE POLICY.
16 S 2. Subsection (k) of section 3221 of the insurance law is amended by
17 adding a new paragraph 17 to read as follows:
18 (17) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES MAJOR MEDICAL OR
19 SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE
20 PURCHASE OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF
21 A LIMB DUE TO ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH
22 CONDITION, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH
23 CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE
24 EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURPOSE STATING HIS OR HER

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

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1 OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE
2 PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

3 (B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
4 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
5 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-
6 AGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME
7 OF THE POLICY.

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

10 (HH)(1) EVERY CONTRACT ISSUED BY A CORPORATION SUBJECT TO THE
11 PROVISIONS OF THIS ARTICLE WHICH PROVIDES MAJOR MEDICAL OR SIMILAR
12 COMPREHENSIVE-TYPE COVERAGE, SHALL INCLUDE COVERAGE FOR THE PURCHASE OF
13 PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB AS A
14 RESULT OF ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH CONDI-
15 TION, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE
16 PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCA-
17 TION LAW, ISSUES A WRITTEN ORDER FOR SUCH PURCHASE STATING HIS OR HER
18 OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE
19 PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

20 (2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COIN-
21 SURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSIST-
22 ENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVER-
23 AGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME
24 OF THE POLICY.

25 S 4. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law and shall apply according to its terms to all
27 policies, contracts and certificates issued, renewed, modified, altered
28 or amended on or after such date.