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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 28 to read as follows:

(28) (A) EVERY INDIVIDUAL POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE PURCHASE OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB DUE TO ACCIDENT, INJURY OR DISEASE OR THE TREATMENT OF SUCH CONDITIONS, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW ISSUES A WRITTEN ORDER FOR SUCH PURCHASE STATING HIS OR HER OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

(B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVERAGE MAY BE LIMITED TO ONE PROSTHESES FOR THE LIFE OF THE POLICY.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 17 to read as follows:

(17) (A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE COVERAGE FOR THE PURCHASE OF PROSTHESES WHICH ARE NECESSARY TO COMPENSATE FOR THE LOSS OF A LIMB DUE TO ACCIDENT, INJURY OR DISEASE, OR THE TREATMENT OF SUCH CONDITION, PROVIDED THAT THE TREATING PHYSICIAN OR OTHER LICENSED HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO PRESCRIBE UNDER TITLE EIGHT OF THE 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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OPINION THAT SUCH PURCHASE IS MEDICALLY NECESSARY TO PROMOTE THE PATIENT'S WELL-BEING OR TO PROMOTE THE HEALING PROCESS.

(B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVERAGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME OF THE POLICY.

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

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

(2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE REQUIRED FOR OTHER BENEFITS UNDER THE POLICY. SUCH COVERAGE MAY BE LIMITED TO ONE PROSTHESES PER COVERED PERSON FOR THE LIFETIME OF THE POLICY.

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