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

4378--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. ROSENTHAL, CAMARA, SPANO, GIBSON, GUNTHER, BOYLAND, GOTTFRIED, MILLMAN, COLTON, CASTRO, MAISEL, HOOPER -- Multi-Sponsored by -- M. of A. CAHILL, COOK, CRESPO, GIGLIO, GLICK, JEFFRIES, MARKEY, McENENY, SCARBOROUGH, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, the public health law and the executive law, in relation to cancer screening deductibles and copayments

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

Section 1. Subparagraph (B) of paragraph 11 and subparagraph (C) of paragraph 15 of subsection (i) of section 3216 of the insurance law, subparagraph (B) of paragraph 11 as added by chapter 417 of the laws of 1989 and subparagraph (C) of paragraph 15 as amended by chapter 43 of the laws of 1993, are amended to read as follows:

(B) Such coverage [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

(C) Such coverage [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

S 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 28 to read as follows:

(28) NO POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR SCREENING FOR COLON CANCER SHALL IMPOSE ANY COST-SHARING, DEDUCTIBLES OR CO-INSURANCE OBLIGATIONS.

S 3. Subparagraph (B) of paragraph 11 and subparagraph (C) of paragraph 14 of subsection (1) of section 3221 of the insurance law, as

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

LBD01826-03-1

amended by chapter 554 of the laws of 2002, are amended to read as follows:

(B) Such coverage [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

(C) Such coverage [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

S 4. Subsection (a) of section 3221 of the insurance law is amended by adding a new paragraph 17 to read as follows:

(17) NO POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES COVERAGE FOR SCREENING FOR COLON CANCER SHALL IMPOSE ANY COST-SHARING, DEDUCTIBLES OR CO-INSURANCE OBLIGATIONS.

S 5. The closing paragraph of paragraph 1 of subsection (p) and paragraph 1 of subsection (t) of section 4303 of the insurance law, as amended by chapter 554 of the laws of 2002, are amended to read as follows:

The coverage required in this paragraph [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

(1) 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 an annual cervical cytology screening for cervical cancer and its precursor states for women aged eighteen and older. Such coverage [may] SHALL NOT be subject to annual deductibles and coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given contract].

S 6. Section 4303 of the insurance law is amended by adding a new subsection (hh) to read as follows:

(HH) NO MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR SCREENING FOR COLON CANCER SHALL IMPOSE ANY COST-SHARING, DEDUCTIBLES OR CO-INSURANCE OBLIGATIONS.

S 7. Subsection (c) of section 4321 of the insurance law, as added by chapter 504 of the laws of 1995, is amended to read as follows:

(c) The health maintenance organization shall impose a fifteen dollar copayment on all visits to a physician or other provider with the exception of visits for pre-natal and post-natal care or well child visits provided pursuant to paragraph two of subsection (j), MAMMOGRAPHY SCREENING PROVIDED PURSUANT TO SUBSECTION (P), AND CERVICAL CYTOLOGY SCREENING PROVIDED PURSUANT TO SUBSECTION (T) of section four thousand three hundred three of this article for which no copayment shall apply. A copayment of fifteen dollars shall be imposed on equipment, supplies and self-management education for the treatment of diabetes. A fifty dollar copayment shall be imposed on emergency services rendered in the emergency room of a hospital; however, this copayment must be waived if hospital admission results. Surgical services shall be subject to a copayment of the lesser of twenty percent of the cost of such services or two hundred dollars per occurrence. A five hundred dollar copayment shall be imposed on inpatient hospital services per continuous hospital confinement. Ambulatory surgical services shall be subject to a facility copayment charge of seventy-five dollars. Coinsurance of ten percent

shall apply to visits for the diagnosis and treatment of mental, nervous or emotional disorders or ailments.

S 8. Subsections (c) and (d) of section 4322 of the insurance law, as added by chapter 504 of the laws of 1995, are amended to read as follows:

(c) The in-plan benefit system shall impose a ten dollar copayment on all visits to a physician or other provider with the exception of visits for pre-natal and post-natal care or well child visits provided pursuant to paragraph two of subsection (j), MAMMOGRAPHY SCREENING PROVIDED PURSUANT TO SUBSECTION (P), AND CERVICAL CYTOLOGY SCREENING PROVIDED PURSUANT TO SUBSECTION (T) of section four thousand three hundred three of this article for which no copayment shall apply. A copayment of ten dollars shall be imposed on equipment, supplies and self-management education for the treatment of diabetes. Coinsurance of ten percent shall apply to visits for the diagnosis and treatment of mental, nervous or emotional disorders or ailments. A thirty-five dollar copayment shall be imposed on emergency services rendered in the emergency room of a hospital; however, this copayment must be waived if hospital admission results.

(d) The out-of-plan benefit system shall have an annual deductible established at one thousand dollars per calendar year for an individual and two thousand dollars per year for a family. Coinsurance shall be established at twenty percent with the health maintenance organization or insurer paying eighty percent of the usual, customary and reasonable charges, or eighty percent of the amounts listed on a fee schedule filed with and approved by the superintendent which provides a comparable level of reimbursement. Coinsurance of ten percent shall apply to outpatient visits for the diagnosis and treatment of mental, nervous or emotional disorders or ailments. The benefits described in subparagraph (F) of paragraph three, SUBPARAGRAPHS (D) AND (E) OF PARAGRAPH FOUR and paragraphs seventeen and eighteen of subsection (b) of this section shall not be subject to the deductible or coinsurance. The benefits described in paragraph nine of subsection (b) of this section shall not be subject to the deductible. The out-of-plan out-of-pocket maximum deductible and coinsurance shall be established at three thousand dollars per calendar year for an individual and five thousand dollars per calendar year for a family. The out-of-plan lifetime benefit maximum shall be established at five hundred thousand dollars.

S 9. Section 4406-c of the public health law is amended by adding a new subdivision 8 to read as follows:

8. NO HEALTH MAINTENANCE ORGANIZATION WHICH PROVIDES COVERAGE FOR SCREENING FOR COLON CANCER SHALL IMPOSE ANY COST-SHARING, DEDUCTIBLES OR CO-INSURANCE OBLIGATIONS.

S 10. Subdivision 21 of section 296 of the executive law, as renumbered by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a new subdivision 21 is added to read as follows:

21. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY EMPLOYER, LABOR ORGANIZATION, INSURER, HEALTH MAINTENANCE ORGANIZATION OR OTHER ENTITY TO IMPOSE ANY COST-SHARING, DEDUCTIBLES OR CO-INSURANCE OBLIGATIONS WHERE COVERAGE IS PROVIDED FOR SCREENING FOR COLON CANCER.

S 11. This act shall take effect immediately and the provisions of this act shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.