

7194

2011-2012 Regular Sessions

I N A S S E M B L Y

April 15, 2011

Introduced by M. of A. COOK, MENG, GUNTHER, GIBSON, P. RIVERA, TITONE --  
Multi-Sponsored by -- M. of A. McENENY, PHEFFER, SCHIMEL -- read once  
and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage of hysterec-  
tomies

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 POLICY WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL  
4 COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE, SHALL PROVIDE COVERAGE  
5 FOR ALL COST FOR HYSTERECTOMIES. SUCH COVERAGE SHALL INCLUDE INPATIENT  
6 HOSPITAL COVERAGE FOR A MINIMUM PERIOD OF SEVENTY-TWO HOURS AFTER  
7 SURGERY.

8 (B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
9 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
10 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

11 (C) COVERAGE UNDER THIS PARAGRAPH SHALL NOT RESTRICT OR ELIMINATE  
12 EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH  
13 SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR  
14 BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

15 S 2. Subsection (l) of section 3221 of the insurance law is amended by  
16 adding a new paragraph 18 to read as follows:

17 (18) (A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIV-  
18 ERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE,  
19 OR SIMILAR COMPREHENSIVE TYPE COVERAGE, SHALL PROVIDE COVERAGE FOR ALL  
20 COST FOR HYSTERECTOMIES. SUCH COVERAGE SHALL INCLUDE INPATIENT HOSPITAL  
21 COVERAGE FOR A MINIMUM PERIOD OF SEVENTY-TWO HOURS AFTER SURGERY.

22 (B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
23 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
24 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

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

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1 (C) COVERAGE UNDER THIS PARAGRAPH SHALL NOT RESTRICT OR ELIMINATE  
2 EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH  
3 SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR  
4 BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

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

7 (HH) 1. EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE  
8 CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES HOSPITAL,  
9 SURGICAL OR MEDICAL COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE,  
10 SHALL PROVIDE COVERAGE FOR ALL COST FOR HYSTERECTOMIES. SUCH COVERAGE  
11 SHALL INCLUDE INPATIENT HOSPITAL COVERAGE FOR A MINIMUM PERIOD OF SEVEN-  
12 TY-TWO HOURS AFTER SURGERY.

13 2. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE  
14 AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT  
15 WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

16 3. COVERAGE UNDER THIS SUBSECTION SHALL NOT RESTRICT OR ELIMINATE  
17 EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH  
18 SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR  
19 BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

20 S 4. This act shall take effect on the one hundred twentieth day after  
21 it shall have become a law and shall apply to all policies entered into  
22 or renewed on and after such effective date.