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

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I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. PAULIN, McENENY, BRENNAN, WEISENBERG, COLTON, REILLY, CAHILL, ABINANTI, JAFFEE, GALEF, P. RIVERA, PRETLOW, WEPRIN, ORTIZ, J. RIVERA, HOOPER, GOODELL -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, GOTTFRIED, MILLMAN, ROBERTS, TITONE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage of early intervention services

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

Section 1. Subsection (a) of section 3235-a of the insurance law, as added by section 3 of part C of chapter 1 of the laws of 2002, is amended and two new subsections (f) and (g) are added to read as follows:

(a) No policy of accident and health insurance, including contracts issued pursuant to article forty-three of this chapter, shall exclude coverage for otherwise covered services [solely on the basis that the services constitute early intervention program services] THAT ARE PROVIDED under title two-A of article twenty-five of the public health law.

(F) WHERE A SERVICE PROVIDED TO AN INSURED UNDER THE EARLY INTERVENTION PROGRAM IS A COVERED SERVICE UNDER THE INSURER'S POLICY OR CONTRACT, THE INDIVIDUALIZED FAMILY SERVICES PLAN, UPON CERTIFICATION BY THE EARLY INTERVENTION OFFICIAL, AS DEFINED IN SECTION TWENTY-FIVE HUNDRED FORTY-ONE OF THE PUBLIC HEALTH LAW, OR SUCH OFFICIAL'S DESIGNEE, SHALL BE DEEMED TO MEET ANY PRECERTIFICATION, PREAUTHORIZATION, AND MEDICAL NECESSITY REQUIREMENTS IMPOSED ON BENEFITS UNDER THE POLICY OR CONTRACT; PROVIDED, HOWEVER, THAT THE EARLY INTERVENTION OFFICIAL SHALL REMOVE OR REDACT ANY INFORMATION CONTAINED IN THE INSURED'S INDIVIDUALIZED FAMILY SERVICES PLAN THAT IS NOT REQUIRED BY THE INSURER FOR PAYMENT PURPOSES. PAYMENT FOR A SERVICE COVERED UNDER THE POLICY OR CONTRACT THAT IS PROVIDED UNDER THE EARLY INTERVENTION PROGRAM SHALL BE AT RATES ESTABLISHED BY THE COMMISSIONER OF HEALTH FOR SUCH SERVICE PURSUANT TO REGULATIONS.

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

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(G) NO INSURER, INCLUDING A HEALTH MAINTENANCE ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW AND A CORPORATION ORGANIZED UNDER ARTICLE FORTY-THREE OF THIS CHAPTER, SHALL DENY PAYMENT OF AN EARLY INTERVENTION CLAIM BASED ON THE FOLLOWING:

(1) THE LOCATION WHERE SERVICES ARE PROVIDED;

(2) THE DURATION OF THE CHILD'S CONDITION AND/OR THAT THE CHILD'S CONDITION IS NOT AMENABLE TO SIGNIFICANT IMPROVEMENT WITHIN A CERTAIN PERIOD OF TIME AS SPECIFIED IN THE POLICY; OR

(3) THAT THE PROVIDER OF SERVICES IS NOT A NETWORK OR PARTICIPATING PROVIDER.

S 2. This act shall take effect immediately.