

2880

2011-2012 Regular Sessions

I N   S E N A T E

February 2, 2011

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Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to reimbursement for testing for familial dysautonomia, Canavan's disease and Tay-Sachs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 COVERAGE FOR HOSPITAL, SURGICAL  
4 OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR  
5 REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR  
6 TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS.

7     (B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-  
8 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF  
9 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.

10     (C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDEN-  
11 TIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORA-  
12 TORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE  
13 AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF  
14 SUCH TESTING.

15     (D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-  
16 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE  
17 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN  
18 POLICY.

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

21     (18) (A) A GROUP POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL  
22 OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORATORY TESTS OR  
23 REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE COVERAGE FOR  
24 TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND TAY-SACHS.

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

LBD03204-01-1

1 (B) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-  
2 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF  
3 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.

4 (C) FOR PURPOSES OF THIS PARAGRAPH, IN ORDER TO MAINTAIN THE CONFIDEN-  
5 TIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE LABORA-  
6 TORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE  
7 AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE PERFORMANCE OF  
8 SUCH TESTING.

9 (D) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-  
10 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE  
11 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN  
12 POLICY.

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

15 (HH) (1) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE  
16 CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR  
17 HOSPITAL, SURGICAL OR MEDICAL CARE OR PROVIDES REIMBURSEMENT FOR LABORA-  
18 TORY TESTS OR REIMBURSEMENT FOR DIAGNOSTIC X-RAY SERVICES SHALL PROVIDE  
19 COVERAGE FOR TESTING FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S DISEASE AND  
20 TAY-SACHS.

21 (2) SUCH COVERAGE SHALL BE INCLUDED AT THE INCEPTION OF ALL NEW POLI-  
22 CIES AND, WITH RESPECT TO ALL OTHER POLICIES, AT ANY ANNIVERSARY DATE OF  
23 THE POLICY SUBJECT TO EVIDENCE OF INSURABILITY.

24 (3) FOR PURPOSES OF THIS SUBSECTION, IN ORDER TO MAINTAIN THE CONFI-  
25 DENTIALITY OF PERSONS TESTED, RECEIPT OF AN ACKNOWLEDGMENT FROM THE  
26 LABORATORY PERFORMING THE TEST FOR FAMILIAL DYSAUTONOMIA, CANAVAN'S  
27 DISEASE AND TAY-SACHS SHALL BE DEEMED SUFFICIENT EVIDENCE OF THE  
28 PERFORMANCE OF SUCH TESTING.

29 (4) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSU-  
30 RANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE  
31 CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN  
32 POLICY.

33 S 4. This act shall take effect immediately.