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

4996

2011-2012 Regular Sessions

I N  S E N A T E

May 2, 2011

Introduced by Sen. BALL -- 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 requiring health insurance policies to provide coverage for medically necessary care for the treatment of autism spectrum disorder

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

Section 1. Paragraph 25 of subsection (i) of section 3216 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

(25) (A) Every policy which provides coverage for hospital, surgical, or medical care coverage shall not exclude coverage for diagnosis and treatment of medical conditions otherwise covered by the policy solely because the treatment is provided to diagnose or treat autism spectrum disorder. For purposes of this section, "autism spectrum disorder" means a neurobiological condition that includes autism, Asperger syndrome, Rett's syndrome, or pervasive developmental disorder.

(B) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING, TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTATION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED BY THE TREATING PHYSICIAN.

S 2. Paragraph 17 of subsection (1) of section 3221 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

(17) (A) A group or blanket accident or health insurance policy or issuing a group or blanket policy for delivery in this state which

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

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provides coverage for hospital, surgical, or medical care coverage shall not exclude coverage for diagnosis and treatment of medical conditions otherwise covered by the policy because the treatment is provided to diagnose or treat autism spectrum disorder. For purposes of this section, "autism spectrum disorder" means a neurobiological condition that includes autism, Asperger syndrome, Rett's syndrome, or pervasive developmental disorder.

(B) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING, TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTATION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED BY THE TREATING PHYSICIAN.

S 3. Subsection (ee) of section 4303 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

(ee) (1) A medical expense indemnity corporation, a hospital service corporation or a health service corporation which provides coverage for hospital, surgical, or medical care coverage shall not exclude coverage for diagnosis and treatment of medical conditions otherwise covered by the policy solely because the treatment is provided to diagnose or treat autism spectrum disorder. For purposes of this section, "autism spectrum disorder" means a neurobiological condition that includes autism, Asperger syndrome, Rett's syndrome, or pervasive developmental disorder.

(2) EVERY POLICY WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL, OR MEDICAL CARE COVERAGE SHALL PROVIDE ANY AND ALL DIAGNOSTIC SCREENING, TESTS, AND ASSESSMENTS AND TREATMENT INCLUDING MEDICAL CARE, CONSULTATION, HABILITATION, REHABILITATION, SPEECH, BEHAVIORAL, OCCUPATIONAL AND PHYSICAL THERAPIES, PEDIATRIC, NEUROLOGICAL, GASTRO-ENTEROLOGIC, AND ANY OTHER MEDICALLY NECESSARY CARE THAT IS PROVIDED BY A LICENSED PROVIDER REQUIRED FOR THE TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS AS DETERMINED BY THE TREATING PHYSICIAN.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies or contracts issued, renewed, modified, altered or amended on and after such effective date.