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

5175

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. GALLIVAN -- 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 ensuring insurance coverage for children in need of early intervention services

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

Section 1. 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 to read as follows:

S 3235-a. Payment for early intervention services. (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 under title two-A of article twenty-five of the public health law.

(b) Where a policy of accident and health insurance, including a contract issued pursuant to article forty-three of this chapter, provides coverage for [an] A SERVICE THAT IS PROVIDED TO AN INSURED UNDER THE early intervention program service, such coverage shall not be applied against any maximum annual or lifetime monetary limits set forth in such policy or contract. Visit limitations and other terms and conditions of the policy will continue to apply to COVERED SERVICES PROVIDED UNDER THE early intervention [services] PROGRAM. However, any visits used for early intervention program services shall not reduce the number of visits otherwise available under the policy or contract for such services. 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 AS DEFINED IN SECTION TWENTY-FIVE HUNDRED FORTY-ONE OF THE PUBLIC HEALTH LAW AND CERTIFIED BY THE EARLY INTERVENTION OFFICIAL OR SUCH OFFICIAL'S DESIGNEE, SHALL BE DEEMED TO MEET ANY PRECERTIFICATION, PREAUTHORIZATION AND MEDICAL NECES-

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

LBD11317-01-1

SITY REQUIREMENTS IMPOSED ON BENEFITS UNDER THE POLICY OR CONTRACT, PROVIDED, HOWEVER, THAT THE EARLY INTERVENTION OFFICIAL SHALL REMOVE OR REDACT ANY INFORMATION CONTAINED ON THE INSURED'S INDIVIDUALIZED FAMILY SERVICE 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.

(c) 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 A CLAIM SUBMITTED FOR A SERVICE COVERED UNDER THE INSURER'S POLICY OR CONTRACT AND PROVIDED UNDER THE EARLY INTERVENTION PROGRAM BASED UPON THE FOLLOWING:

(I) THE LOCATION WHERE SERVICES ARE PROVIDED;

(II) THE DURATION OF THE INSURED'S CONDITION OR THAT THE INSURED'S CONDITION IS NOT AMENABLE TO SIGNIFICANT IMPROVEMENT WITHIN A CERTAIN PERIOD OF TIME AS SPECIFIED IN THE POLICY OR CONTRACT;

(III) THAT THE PROVIDER OF SERVICES IS NOT A PARTICIPATING PROVIDER IN THE INSURER'S NETWORK; OR

(IV) THE ABSENCE OF A PRIMARY CARE REFERRAL.

(D) Any right of subrogation to benefits which a municipality is entitled in accordance with paragraph (d) of subdivision three of section twenty-five hundred fifty-nine of the public health law shall be valid and enforceable to the extent benefits are available under any accident and health insurance policy. The right of subrogation does not attach to insurance benefits paid or provided under any accident and health insurance policy prior to receipt by the insurer of written notice from the municipality. UPON THE INSURER'S RECEIPT OF WRITTEN NOTICE FROM THE MUNICIPALITY THE INSURER SHALL PROVIDE THE MUNICIPALITY WITH INFORMATION ON THE EXTENT OF BENEFITS AVAILABLE TO AN INSURED UNDER THE POLICY.

[(d)] (E) 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 refuse to issue an accident and health insurance policy or contract or refuse to renew an accident and health insurance policy or contract solely because the applicant or insured is receiving services under the early intervention program.

S 2. This act shall take effect immediately and shall apply to any contracts entered into, altered, modified, extended or removed on or after such effective date.