

5354

2011-2012 Regular Sessions

I N   S E N A T E

May 11, 2011

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

AN ACT to amend the insurance law and the workers' compensation law, in relation to coverage of long term medical care for Lyme disease and other tick borne related pathogens

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) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE  
4     FOR DELIVERY IN THIS STATE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR  
5     TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE  
6     RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN THIRTY  
7     DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTIBIOTIC  
8     THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOMMENDED BY  
9     A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.  
10    S 2. Subsection (l) of section 3221 of the insurance law is amended by  
11    adding a new paragraph 18 to read as follows:  
12    (18) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN  
13    THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL  
14    PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME  
15    BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT  
16    SHALL INCLUDE NOT LESS THAN THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERA-  
17    PY, SIXTY DAYS OF ORAL ANTIBIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE  
18    FURTHER TREATMENT IF RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE  
19    MEDICINE IN THE STATE OF NEW YORK.  
20    S 3. Section 4303 of the insurance law is amended by adding a new  
21    subsection (hh) to read as follows:  
22    (HH) EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE  
23    CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR  
24    MEDICAL, SURGICAL OR MAJOR MEDICAL CARE SHALL PROVIDE COVERAGE FOR ALL

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

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1 COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK  
2 BORNE RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN  
3 THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTI-  
4 BIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOM-  
5 MENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW  
6 YORK.

7 S 4. Paragraph 30 of subdivision 2 of section 3 of the workers'  
8 compensation law, as renumbered by chapter 665 of the laws of 1971, is  
9 renumbered paragraph 31 and a new paragraph 30 is added to read as  
10 follows:

11 30. LYME DISEASE  
12 (LYME BORRELIOSIS)  
13 AND OTHER TICK BORNE  
14 RELATED PATHOGENS.

30. ANY PROCESS INVOLVING  
OUTDOOR ACTIVITY OR  
TREATMENT OF ANIMALS.

15 S 5. The closing paragraph of subdivision 2 of section 3 of the work-  
16 ers' compensation law, as amended by chapter 666 of the laws of 1971, is  
17 amended to read as follows:

18 Nothing in paragraph [thirty] THIRTY-ONE of this subdivision shall be  
19 construed to apply to any disability or death due to any disease  
20 described in paragraph twenty-nine of this subdivision.

21 S 6. Subdivision 9 of section 201 of the workers' compensation law is  
22 amended by adding a new paragraph C to read as follows:

23 C. "DISABILITY" ALSO INCLUDES DISABILITY CAUSED BY OR IN CONNECTION  
24 WITH LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHO-  
25 GENS.

26 S 7. This act shall take effect on the one hundred twentieth day after  
27 it shall have become a law provided, however, that effective immediate-  
28 ly, the addition, amendment and/or repeal of any rules or regulations  
29 necessary for the implementation of this act on its effective date are  
30 authorized to be made on or before such effective date.