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

5354--A

2011-2012 Regular Sessions

I N S E N A T E

May 11, 2011

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 29 to read as follows:

(29) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE FOR DELIVERY IN THIS STATE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTIBIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

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

(19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTIBIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

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

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

LBD11530-02-2

(II) EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR MEDICAL, SURGICAL OR MAJOR MEDICAL CARE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTIBIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.

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

30. LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS.	30. ANY PROCESS INVOLVING OUTDOOR ACTIVITY OR TREATMENT OF ANIMALS.

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

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

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

C. "DISABILITY" ALSO INCLUDES DISABILITY CAUSED BY OR IN CONNECTION WITH LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS.

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