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

3761

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. ESPINAL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurance policies to fully cover comprehensive genetic testing for breast, ovarian, prostate, colon and lung cancers in certain cases

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

Section 1. This act shall be known and may be cited as the "Ana Lucia act".

S 2. Paragraph 11 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (F) to read as follows:

(F) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR BREAST CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(II) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 3. Paragraph 11-a of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (C) to read as follows:

(C) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR PROSTATIC CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(II) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 4. Paragraph 11 of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (F) to read as follows:

(F) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR BREAST CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

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

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(II) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 5. Paragraph 11-a of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (C) to read as follows:

(C)(I) SUCH POLICY SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR PROSTATIC CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(II) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 6. Subsection (p) of section 4303 of the insurance law is amended by adding a new paragraph 5 to read as follows:

(5) (I) SUCH COVERAGE SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR BREAST CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(II) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 7. Subsection (z-1) of section 4303 of the insurance law is amended by adding a new paragraph 3 to read as follows:

(3)(A) SUCH POLICY SHALL PROVIDE ADDITIONAL FULL COVERAGE FOR COMPREHENSIVE GENETIC TESTING FOR PROSTATIC CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 8. Paragraph 7 of subsection (d) of section 4326 of the insurance law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

(7) adult preventive health services consisting of mammography screening AND GENETIC SCREENING, AS PROVIDED IN SUBSECTION (P) OF SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS ARTICLE; OVARIAN CANCER GENETIC SCREENING AS PROVIDED IN SUBSECTION (P-1) OF SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS ARTICLE; cervical cytology screening; COLON CANCER GENETIC SCREENING AS PROVIDED IN SUBSECTION (P-2) OF SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS ARTICLE; LUNG CANCER GENETIC SCREENING AS PROVIDED IN SUBSECTION (P-3) OF SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS ARTICLE; PROSTATE CANCER GENETIC SCREENING AS PROVIDED IN SUBSECTION (Z-1) OF SECTION FOUR THOUSAND THREE HUNDRED THREE OF THIS ARTICLE; periodic physical examinations no more than once every three years; and adult immunizations;

S 9. Subsection (i) of section 3216 of the insurance law is amended by adding three new paragraphs 11-b, 11-c and 11-d to read as follows:

(11-B) (A) EVERY POLICY THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR OVARIAN CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) SUCH ADDITIONAL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(11-C) (A) EVERY POLICY THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR COLON CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(11-D) (A) EVERY POLICY THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR LUNG CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 10. Subsection (l) of section 3221 of the insurance law is amended by adding three new paragraphs 11-b, 11-c and 11-d to read as follows:

(11-B) (A) EVERY INSURER DELIVERING A GROUP OR BLANKET POLICY OR ISSUING A GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE OR GENETIC SCREENING FOR OVARIAN CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) SUCH ADDITIONAL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(11-C) (A) EVERY POLICY THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR COLON CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(11-D) (A) EVERY POLICY THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR LUNG CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(B) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 11. Section 4303 of the insurance law is amended by adding three new subsections (p-1), (p-2) and (p-3) to read as follows:

(P-1) (1) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR OVARIAN CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(2) SUCH ADDITIONAL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(P-2) (1) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR COLON CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(2) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

(P-3) (1) A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION THAT PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL CARE SHALL PROVIDE FULL COVERAGE FOR GENETIC SCREENING FOR LUNG CANCER ONLY IF RECOMMENDED BY A BOARD-CERTIFIED GENETICIST OR A BOARD-CERTIFIED GENETIC COUNSELOR.

(2) ALL COSTS ASSOCIATED WITH SUCH ADDITIONAL FULL COVERAGE SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE BUT SHALL BE BORNE SOLELY BY THE INSURER.

S 12. This act shall take effect on the sixtieth day after it shall have become a law.