

6820--C

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 19, 2013

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Introduced by M. of A. CRESPO, MILLER, GUNTHER, SCHIMEL, MOSLEY, BARRETT, COLTON, COOK, MAGNARELLI, TITONE, DiPIETRO, FINCH, MONTESANO, GRAF, DUPREY, RIVERA, HOOPER, CAHILL, ROBINSON, JAFFEE, OTIS, SCARBOROUGH, SALADINO, CERETTO, RA, LALOR, BENEDETTO, JOHNS -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, GIGLIO, HIKIND, JACOBS, KEARNS, MARKEY, McLAUGHLIN, PALMESANO, PEOPLES-STOKES, PERRY, STEC, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for prosthetic devices

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 30 to read as follows:  
3     (30) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
4 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL  
5 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE  
6 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE  
7 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE  
8 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE  
9 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE  
10 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF  
11 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-  
12 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY

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

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1 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT  
2 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-  
3 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE  
4 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED  
5 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED  
6 FORCES.

7 S 2. Subsection (1) of section 3221 of the insurance law is amended by  
8 adding a new paragraph 19 to read as follows:

9 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
10 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL  
11 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE  
12 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE  
13 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE  
14 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE  
15 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE  
16 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF  
17 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-  
18 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY  
19 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT  
20 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-  
21 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE  
22 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED  
23 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED  
24 FORCES.

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

27 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
28 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL  
29 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE  
30 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE  
31 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE  
32 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE  
33 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE  
34 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF  
35 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS  
36 SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR  
37 ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT  
38 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS  
39 SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE  
40 STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE  
41 RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN  
42 THE ARMED FORCES.

43 S 4. This act shall take effect May 1, 2015 and shall apply to all  
44 policies and contracts issued, renewed, altered, or amended on or after  
45 such effective date.