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

6820--C

2013-2014 Regular Sessions

I N  A S S E M B L Y

April 19, 2013

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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 30 to read as follows:

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

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

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

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

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