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

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I N A S S E M B L Y

May 8, 2013

Introduced by M. of A. GOTTFRIED, DINOWITZ, GALEF, GRAF, GUNTHER, JACOBS, PAULIN, ROSENTHAL, TITONE, AUBRY, BENEDETTO, BRONSON, CLARK, COLTON, GABRYSZAK, JAFFEE, V. LOPEZ, MAISEL, McDONALD, MILLMAN, MONTESANO, MOSLEY, RIVERA, SKOUFIS, WEISENBERG -- Multi-Sponsored by -- M. of A. COOK, DUPREY, FAHY, HEASTIE, RAIA, SCHIMEL, SEPULVEDA, SWEENEY -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance reimbursement for vaccination

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

Section 1. Clause (iii) of subparagraph (B) of paragraph 17 of subsection (i) of section 3216 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(iii) necessary immunizations, as determined by the superintendent in consultation with the commissioner of health, consisting of at least adequate dosages of vaccine against diphtheria, pertussis, tetanus, polio, measles, rubella, mumps, haemophilus influenzae type b and hepatitis b, which meet the standards approved by the United States public health service for such biological products, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES.

S 2. Clause (ii) of subparagraph (E) of paragraph 17 of subsection (i) of section 3216 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

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

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(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention with respect to the individual involved, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES;

S 3. Clause (iii) of subparagraph (B) of paragraph 8 of subsection (l) of section 3221 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(iii) necessary immunizations, as determined by the superintendent in consultation with the commissioner of health, consisting of at least adequate dosages of vaccine against diphtheria, pertussis, tetanus, polio, measles, rubella, mumps, haemophilus influenzae type b and hepatitis b, which meet the standards approved by the United States public health service for such biological products, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES.

S 4. Clause (ii) of subparagraph (E) of paragraph 8 of subdivision (l) of section 3221 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention with respect to the individual involved, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES;

S 5. Subparagraph (C) of paragraph 2 of subsection (j) of section 4303 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(C) necessary immunizations, as determined by the superintendent in consultation with the commissioner of health, consisting of at least adequate dosages of vaccine against diphtheria, pertussis, tetanus, polio, measles, rubella, mumps, haemophilus influenzae type b and hepatitis b, which meet the standards approved by the United States public health service for such biological products, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS

FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES.

S 6. Subparagraph (B) of paragraph 3 of subsection (j) of section 4303 of the insurance law, as added by chapter 219 of the laws of 2011, is amended to read as follows:

(B) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention with respect to the individual involved, INCLUDING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID SERVICES;

S 7. This act shall take effect on the first day of January after it shall have become a law and shall apply to any contract entered into, delivered, amended or modified on or after the date it takes effect.