

3478

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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; and to amend the public health law, the tax law and the state finance law, in relation to providing for taxpayer gifts for tick borne illness research, detection and education and establishing the tick borne illness research, detection and education fund

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

1 Section 1. This act shall be known and may be cited as the "tick borne
2 illness treatment and education act of 2013".
3 S 2. Subsection (i) of section 3216 of the insurance law is amended by
4 adding a new paragraph 30 to read as follows:
5 (30) EVERY INSURER ISSUING A POLICY OF ACCIDENT AND HEALTH INSURANCE
6 FOR DELIVERY IN THIS STATE SHALL PROVIDE COVERAGE FOR ALL COSTS FOR
7 TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE
8 RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN THIRTY
9 DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTIBIOTIC
10 THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOMMENDED BY
11 A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK.
12 S 3. Subsection (l) of section 3221 of the insurance law is amended by
13 adding a new paragraph 19 to read as follows:
14 (19) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN
15 THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL
16 PROVIDE COVERAGE FOR ALL COSTS FOR TREATMENT OF LYME DISEASE (LYME
17 BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHOGENS. SUCH TREATMENT
18 SHALL INCLUDE NOT LESS THAN THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERA-
19 PY, SIXTY DAYS OF ORAL ANTIBIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE

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

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1 FURTHER TREATMENT IF RECOMMENDED BY A PHYSICIAN LICENSED TO PRACTICE
2 MEDICINE IN THE STATE OF NEW YORK.

3 S 4. Section 4303 of the insurance law is amended by adding a new
4 subsection (jj) to read as follows:

5 (JJ) EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE
6 CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES COVERAGE FOR
7 MEDICAL, SURGICAL OR MAJOR MEDICAL CARE SHALL PROVIDE COVERAGE FOR ALL
8 COSTS FOR TREATMENT OF LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK
9 BORNE RELATED PATHOGENS. SUCH TREATMENT SHALL INCLUDE NOT LESS THAN
10 THIRTY DAYS OF INTRAVENOUS ANTIBIOTIC THERAPY, SIXTY DAYS OF ORAL ANTI-
11 BIOTIC THERAPY, OR BOTH, AND SHALL PROVIDE FURTHER TREATMENT IF RECOM-
12 MENDED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW
13 YORK.

14 S 5. Paragraph 30 of subdivision 2 of section 3 of the workers'
15 compensation law, as renumbered by chapter 665 of the laws of 1971, is
16 renumbered paragraph 31 and a new paragraph 30 is added to read as
17 follows:

18 30. LYME DISEASE
19 (LYME BORRELIOSIS)
20 AND OTHER TICK BORNE
21 RELATED PATHOGENS.

30. ANY PROCESS INVOLVING FARMING,
LANDSCAPING OPERATIONS, TREE
PRUNING, SPRAYING, REPAIRING,
OR RELATED OCCUPATION WHICH
CREATES EXPOSURE TO LYME
DISEASE CARRYING ORGANISMS
OR CARE OR HANDLING OF ANIMALS.

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25 S 6. The closing paragraph of subdivision 2 of section 3 of the work-
26 ers' compensation law, as amended by chapter 666 of the laws of 1971, is
27 amended to read as follows:

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

31 S 7. Subdivision 9 of section 201 of the workers' compensation law is
32 amended by adding a new paragraph C to read as follows:

33 C. "DISABILITY" ALSO INCLUDES DISABILITY CAUSED BY OR IN CONNECTION
34 WITH LYME DISEASE (LYME BORRELIOSIS) AND OTHER TICK BORNE RELATED PATHO-
35 GENS.

36 S 8. The public health law is amended by adding a new article 27-FF to
37 read as follows:

38 ARTICLE 27-FF
39 EDUCATION PROGRAM

40 SECTION 2790. TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION.

41 S 2790. TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION. THE
42 COMMISSIONER SHALL ESTABLISH WITHIN THE DEPARTMENT A PROGRAM TO PROMOTE
43 RESEARCH, DETECTION AND PATIENT EDUCATION REGARDING TICK BORNE RELATED
44 PATHOGENS. TO CARRY OUT THE PURPOSES OF THIS SECTION, THE COMMISSIONER
45 SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

46 1. TO PROMOTE PATIENT EDUCATION PROGRAMS DESIGNED TO REDUCE OR PREVENT
47 THE INCIDENCE AND SEVERITY OF TICK BORNE ILLNESSES SUCH AS LYME DISEASE
48 AND INCREASE DETECTION OF SUCH ILLNESSES;

49 2. TO PROMOTE RESEARCH FOR TREATMENT, PREVENTION AND DETECTION
50 PROGRAMS DESIGNED TO REDUCE THE INCIDENCE AND SEVERITY OF TICK BORNE
51 ILLNESSES SUCH AS LYME DISEASE AND INCREASE DETECTION OF SUCH ILLNESSES;

52 3. TO ACCEPT AND EXPEND ANY GRANTS, AWARDS OR OTHER FUNDS OR APPROPRI-
53 ATIONS AS MAY BE AVAILABLE FOR THESE PURPOSES SUBJECT TO LIMITATIONS AS
54 TO THE APPROVAL OF EXPENDITURES AND AUDIT AS PRESCRIBED FOR STATE FUNDS
55 BY THE STATE FINANCE LAW; AND

1 4. TO ENTER INTO CONTRACTS WITHIN THE AMOUNTS AVAILABLE THEREFOR AS
2 MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

3 S 9. The tax law is amended by adding a new section 209-H to read as
4 follows:

5 S 209-H. GIFT FOR TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCA-
6 TION. A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE
7 SUPPORT OF THE TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION
8 FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL
9 NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE
10 COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO
11 ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER
12 PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL
13 BE CREDITED TO THE TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION
14 FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION
15 NINETY-SEVEN-CC OF THE STATE FINANCE LAW.

16 S 10. The tax law is amended by adding a new section 630-c to read as
17 follows:

18 S 630-C. GIFT FOR TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCA-
19 TION. AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE
20 TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND. SUCH CONTRIB-
21 UTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE
22 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL
23 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO
24 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL
25 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE
26 TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND AND USED ONLY
27 FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-CC OF THE STATE
28 FINANCE LAW.

29 S 11. The state finance law is amended by adding a new section 97-cc
30 to read as follows:

31 S 97-CC. TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND. 1.
32 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF
33 TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS
34 THE "TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION FUND".

35 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT
36 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTIONS TWO
37 HUNDRED NINE-H AND SIX HUNDRED THIRTY-C OF THE TAX LAW AND ALL OTHER
38 MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER
39 FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL
40 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE
41 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO
42 THE FUND ACCORDING TO LAW.

43 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR TICK BORNE ILLNESS
44 RESEARCH, DETECTION AND EDUCATION PROJECTS. AS USED IN THIS SECTION,
45 "TICK BORNE ILLNESS RESEARCH, DETECTION AND EDUCATION PROJECTS" MEANS
46 EDUCATIONAL PROJECTS, INCLUDING GRANTS FOR TICK BORNE ILLNESS RESEARCH,
47 DETECTION AND EDUCATION, WHICH, PURSUANT TO SECTION TWENTY-SEVEN HUNDRED
48 NINETY OF THE PUBLIC HEALTH LAW, ARE APPROVED BY THE DEPARTMENT OF
49 HEALTH.

50 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
51 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER
52 OF HEALTH.

53 5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF HEALTH SHALL ENSURE
54 THAT ALL MONIES RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE
55 END OF THAT FISCAL YEAR.

1 S 12. This act shall take effect on the one hundred twentieth day
2 after it shall have become a law provided, however, that effective imme-
3 diately, the addition, amendment and/or repeal of any rules or regu-
4 lations necessary for the implementation of this act on its effective
5 date are authorized to be made on or before such effective date.