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

7934

I N S E N A T E

August 11, 2014

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

AN ACT to amend the public health law, in relation to providing drug screening for certain children; and to amend the insurance law, in relation to providing coverage for such drug screening

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

Section 1. The public health law is amended by adding a new section 2507 to read as follows:

S 2507. DRUG SCREENING FOR CERTAIN CHILDREN. 1. EVERY CHILD TWELVE YEARS OF AGE OR OLDER BUT YOUNGER THAN NINETEEN YEARS OF AGE MAY AS PART OF HIS OR HER ANNUAL PHYSICAL PROVIDED BY A HEALTH CARE PROFESSIONAL, BE SCREENED FOR THE USE OF DRUGS. DRUGS THAT SHALL BE SCREENED FOR UNDER THIS SECTION SHALL BE DETERMINED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION THE TERM "HEALTH CARE PROFESSIONAL" SHALL MEAN A HEALTH CARE PROFESSIONAL APPROPRIATELY LICENSED, REGISTERED OR CERTIFIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW.

2. A POSITIVE RESULT TO ANY TEST RECEIVED UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT BE REQUIRED TO BE REPORTED BY A HEALTH CARE PROFESSIONAL PURSUANT TO TITLE SIX OF ARTICLE SIX OF THE SOCIAL SERVICES LAW IN THE ABSENCE OF EVIDENCE THAT SUCH CHILD HAS OTHERWISE BEEN THE SUBJECT OF NEGLECT OR ABUSE.

S 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 32 to read as follows:

(32)(A) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR DRUG SCREENING AS ESTABLISHED BY SECTION TWENTY-FIVE HUNDRED SEVEN OF THE PUBLIC HEALTH LAW.

(B) COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH SHALL NOT BE SUBJECT TO DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(C) ANY REIMBURSEMENT MADE PURSUANT TO THIS PARAGRAPH TO A HEALTH CARE PROVIDER SHALL BE MADE WITHOUT DISCLOSURE TO ANY PARTY OF THE RESULTS OF SUCH DRUG SCREENING. DISCLOSURE OF THE RESULTS MAY ONLY BE MADE WITH THE WRITTEN CONSENT OF THE PARENT OF SUCH CHILD, OR IF SUCH CHILD IS SIXTEEN YEARS OF AGE OR OLDER, WITH THE CONSENT OF SUCH CHILD.

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

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S 3. Section 3221 of the insurance law is amended by adding a new subsection (t) to read as follows:

(T)(1) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR DRUG SCREENING AS ESTABLISHED BY SECTION TWENTY-FIVE HUNDRED SEVEN OF THE PUBLIC HEALTH LAW.

(2) COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION SHALL NOT BE SUBJECT TO DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(3) ANY REIMBURSEMENT MADE PURSUANT TO THIS SUBSECTION TO A HEALTH CARE PROVIDER SHALL BE MADE WITHOUT DISCLOSURE TO ANY PARTY OF THE RESULTS OF SUCH DRUG SCREENING. DISCLOSURE OF THE RESULTS MAY ONLY BE MADE WITH THE WRITTEN CONSENT OF THE PARENT OF SUCH CHILD, OR IF SUCH CHILD IS SIXTEEN YEARS OF AGE OR OLDER, WITH THE CONSENT OF SUCH CHILD.

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

(OO)(1) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR DRUG SCREENING AS ESTABLISHED BY SECTION TWENTY-FIVE HUNDRED SEVEN OF THE PUBLIC HEALTH LAW.

(2) COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION SHALL NOT BE SUBJECT TO DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(3) ANY REIMBURSEMENT MADE PURSUANT TO THIS SUBSECTION TO A HEALTH CARE PROVIDER SHALL BE MADE WITHOUT DISCLOSURE TO ANY PARTY OF THE RESULTS OF SUCH DRUG SCREENING. DISCLOSURE OF THE RESULTS MAY ONLY BE MADE WITH THE WRITTEN CONSENT OF THE PARENT OF SUCH CHILD, OR IF SUCH CHILD IS SIXTEEN YEARS OF AGE OR OLDER, WITH THE CONSENT OF SUCH CHILD.

S 5. This act shall take effect on the ninetieth day after it shall have become a law and the provisions of sections two, three and four of this act shall apply to all policies issued, modified or renewed on or after such date.