

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:

1 Section 1. The public health law is amended by adding a new section  
2 2507 to read as follows:

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

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

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

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

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

23 (C) ANY REIMBURSEMENT MADE PURSUANT TO THIS PARAGRAPH TO A HEALTH CARE  
24 PROVIDER SHALL BE MADE WITHOUT DISCLOSURE TO ANY PARTY OF THE RESULTS OF  
25 SUCH DRUG SCREENING. DISCLOSURE OF THE RESULTS MAY ONLY BE MADE WITH THE  
26 WRITTEN CONSENT OF THE PARENT OF SUCH CHILD, OR IF SUCH CHILD IS SIXTEEN  
27 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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1 S 3. Section 3221 of the insurance law is amended by adding a new  
2 subsection (t) to read as follows:

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

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

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

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

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

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

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

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