

7248

2013-2014 Regular Sessions

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:

1 Section 1. Clause (iii) of subparagraph (B) of paragraph 17 of
2 subsection (i) of section 3216 of the insurance law, as amended by chap-
3 ter 219 of the laws of 2011, is amended to read as follows:
4 (iii) necessary immunizations, as determined by the superintendent in
5 consultation with the commissioner of health, consisting of at least
6 adequate dosages of vaccine against diphtheria, pertussis, tetanus,
7 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-
8 titis b, which meet the standards approved by the United States public
9 health service for such biological products, INCLUDING REIMBURSEMENT TO
10 THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS OF THE VACCINE,
11 ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED UNITED STATES CENTERS
12 FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR COST PLUS A MINIMUM OF
13 TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND STORAGE COSTS, AND THE
14 TOTAL COST OF ADMINISTRATION OF THE VACCINE, INCLUDING THE COST OF
15 SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTORY MANAGEMENT AND
16 ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S MEDICARE RATES AS
17 PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE AND MEDICAID
18 SERVICES.
19 S 2. Clause (ii) of subparagraph (E) of paragraph 17 of subsection (i)
20 of section 3216 of the insurance law, as amended by chapter 219 of the
21 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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1 (ii) immunizations that have in effect a recommendation from the advi-
2 sory committee on immunization practices of the centers for disease
3 control and prevention with respect to the individual involved, INCLUD-
4 ING REIMBURSEMENT TO THE HEALTH CARE PROVIDER FOR THE ACQUISITION COSTS
5 OF THE VACCINE, ACCORDING TO THE CURRENT OR MOST RECENTLY REPORTED
6 UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION PRIVATE SECTOR
7 COST PLUS A MINIMUM OF TWENTY-ONE PERCENT FOR SHIPPING, HANDLING AND
8 STORAGE COSTS, AND THE TOTAL COST OF ADMINISTRATION OF THE VACCINE,
9 INCLUDING THE COST OF SUPPLIES, DATA ENTRY, VACCINE COUNSELING, INVENTO-
10 RY MANAGEMENT AND ROUTINE NURSING ACTIVITIES BASED ON THE CURRENT YEAR'S
11 MEDICARE RATES AS PUBLISHED BY THE UNITED STATES CENTERS FOR MEDICARE
12 AND MEDICAID SERVICES;

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

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

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

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

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

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

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

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

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

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