

5390--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for prosthetic devices

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 30 to read as follows:
3 (30) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
4 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
5 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
6 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-
7 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
8 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
9 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
10 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
11 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
12 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
13 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
14 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
15 IN THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
16 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
17 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
18 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
19 IN THE STATE OF NEW YORK.
20 S 2. Subsection (1) of section 3221 of the insurance law is amended by
21 adding a new paragraph 19 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 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
2 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
3 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
4 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-
5 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
6 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
7 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
8 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
9 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
10 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
11 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
12 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
13 IN THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
14 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
15 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
16 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
17 IN THE STATE OF NEW YORK.

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

20 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
21 COMPREHENSIVE TYPE COVERAGE SHALL INCLUDE COVERAGE EQUAL TO OR ABOVE
22 MEDICARE'S STANDARD OF COVERAGE FOR PROSTHETIC DEVICES FOR POLICY HOLD-
23 ERS. THIS SHALL INCLUDE COVERAGE NOT ONLY FOR THE PROVISION OF A PROS-
24 THETIC DEVICE REQUIRED TO BE WORN OR USED BY A POLICY HOLDER BUT ALSO
25 THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE REQUIRED TO BE WORN OR
26 USED BY A POLICY HOLDER. COVERAGE SHALL INCLUDE EXPENSES FOR ASSESSMENT,
27 EVALUATION, TREATMENT, MANAGEMENT, AND FOLLOW-UP CARE. COVERAGE SHALL
28 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC
29 DEVICE IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL
30 NEEDS OF THE POLICY HOLDER TO PERFORM ACTIVITIES OF DAILY LIVING OR
31 ESSENTIAL JOB-RELATED ACTIVITIES. THE TERM "PROSTHETIC DEVICE" AS USED
32 IN THIS SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE
33 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
34 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
35 IN THIS SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
36 IN THE STATE OF NEW YORK.

37 S 4. Paragraph 30 of subsection (i) of section 3216 of the insurance
38 law, as added by section one of this act, is amended to read as follows:

39 (30) Every policy which provides medical, major medical, or similar
40 comprehensive type coverage shall include coverage equal to or above
41 Medicare's standard of coverage for prosthetic devices [for policy hold-
42 ers]. This shall include coverage not only for the provision of a pros-
43 thetic device required to be worn or used by a policy holder but also
44 the repair or replacement of a prosthetic device required to be worn or
45 used by a policy holder. Coverage shall include expenses for assessment,
46 evaluation, treatment, management, and follow-up care. Coverage shall
47 not be denied if the policy holder's physician determines the prosthetic
48 device is the most appropriate model that adequately meets the medical
49 needs of the policy holder to perform activities of daily living or
50 essential job-related activities. The term "prosthetic device" as used
51 in this paragraph includes an artificial limb but shall not include
52 shoes or any other article considered as ordinary wearing apparel,
53 whether or not specially constructed. [The term "policy holder" as used
54 in this paragraph shall mean a veteran of the armed forces who resides
55 in the state of New York.]

1 S 5. Paragraph 19 of subsection (l) of section 3221 of the insurance
2 law, as added by section two of this act, is amended to read as follows:

3 (19) Every policy which provides medical, major medical, or similar
4 comprehensive type coverage shall include coverage equal to or above
5 Medicare's standard of coverage for prosthetic devices [for policy hold-
6 ers]. This shall include coverage not only for the provision of a pros-
7 thetic device required to be worn or used by a policy holder but also
8 the repair or replacement of a prosthetic device required to be worn or
9 used by a policy holder. Coverage shall include expenses for assessment,
10 evaluation, treatment, management, and follow-up care. Coverage shall
11 not be denied if the policy holder's physician determines the prosthetic
12 device is the most appropriate model that adequately meets the medical
13 needs of the policy holder to perform activities of daily living or
14 essential job-related activities. The term "prosthetic device" as used
15 in this paragraph includes an artificial limb but shall not include
16 shoes or any other article considered as ordinary wearing apparel,
17 whether or not specially constructed. [The term "policy holder" as used
18 in this paragraph shall mean a veteran of the armed forces who resides
19 in the state of New York.]

20 S 6. Subsection (oo) of section 4303 of the insurance law, as added by
21 section three of this act, is amended to read as follows:

22 (oo) Every policy which provides medical, major medical, or similar
23 comprehensive type coverage shall include coverage equal to or above
24 Medicare's standard of coverage for prosthetic devices [for policy hold-
25 ers]. This shall include coverage not only for the provision of a pros-
26 thetic device required to be worn or used by a policy holder but also
27 the repair or replacement of a prosthetic device required to be worn or
28 used by a policy holder. Coverage shall include expenses for assessment,
29 evaluation, treatment, management, and follow-up care. Coverage shall
30 not be denied if the policy holder's physician determines the prosthetic
31 device is the most appropriate model that adequately meets the medical
32 needs of the policy holder to perform activities of daily living or
33 essential job-related activities. The term "prosthetic device" as used
34 in this subsection includes an artificial limb but shall not include
35 shoes or any other article considered as ordinary wearing apparel,
36 whether or not specially constructed. [The term "policy holder" as used
37 in this paragraph shall mean a veteran of the armed forces who resides
38 in the state of New York.]

39 S 7. This act shall take effect May 1, 2015; provided, however,
40 sections four, five and six of this act shall take effect April 1, 2017.