

10322

I N A S S E M B L Y

May 20, 2016

Introduced by M. of A. KIM -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for acupuncture services

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 33 to read as follows:

3 (33) EVERY POLICY ISSUED WITHIN THE HEALTH BENEFIT EXCHANGE ESTAB-
4 LISHED PURSUANT TO SECTION 1311 OF THE AFFORDABLE CARE ACT, 42 U.S.C. S
5 18031, SHALL PROVIDE COVERAGE FOR ACUPUNCTURE TREATMENT AS DEFINED IN
6 SECTION EIGHT THOUSAND TWO HUNDRED ELEVEN OF THE EDUCATION LAW PROVIDED
7 BY AN INDIVIDUAL LICENSED, AUTHORIZED, OR CERTIFIED PURSUANT TO ARTICLE
8 ONE HUNDRED SIXTY OF THE EDUCATION LAW. HOWEVER, ACUPUNCTURE TREATMENT
9 AND SERVICES MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAYMENT AND
10 CO-INSURANCE AMOUNT, REASONABLE FEE OR BENEFIT LIMITS, AND REASONABLE
11 UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS OR REVIEW
12 SHALL BE NO GREATER THAN OTHER ESSENTIAL HEALTH BENEFITS COVERED BY THE
13 POLICY AND PROVIDED FURTHER THAT ANY SUCH AMOUNTS, LIMITS, OR REVIEW
14 SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER DISCRIMINATIVE
15 AGAINST ACUPUNCTURE TREATMENT. NOTHING HEREIN SHALL BE CONSTRUED AS
16 IMPENDING OR PREVENTING EITHER THE PROVISION OR COVERAGE OF ACUPUNCTURE
17 TREATMENT AND SERVICES BY DULY LICENSED OR CERTIFIED ACUPUNCTURIST,
18 WITHIN THE LAWFUL SCOPE OF THE PRACTICE OF ACUPUNCTURE, IN HOSPITAL
19 FACILITIES ON A STAFF OR EMPLOYEE BASIS.

20 S 2. Section 4303 of the insurance law is amended by adding a new
21 subsection (qq) to read as follows:

22 (QQ) EVERY POLICY ISSUED WITHIN THE HEALTH BENEFIT EXCHANGE ESTAB-
23 LISHED PURSUANT TO SECTION 1311 OF THE AFFORDABLE CARE ACT, 42 U.S.C. S
24 18031, SHALL PROVIDE COVERAGE FOR ACUPUNCTURE TREATMENT AS DEFINED IN
25 SECTION EIGHT THOUSAND TWO HUNDRED ELEVEN OF THE EDUCATION LAW PROVIDED
26 BY AN INDIVIDUAL LICENSED, AUTHORIZED, OR CERTIFIED PURSUANT TO ARTICLE
27 ONE HUNDRED SIXTY OF THE EDUCATION LAW. HOWEVER, ACUPUNCTURE TREATMENT
28 AND SERVICES MAY BE SUBJECT TO REASONABLE DEDUCTIBLE, CO-PAYMENT AND

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

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1 CO-INSURANCE AMOUNT, REASONABLE FEE OR BENEFIT LIMITS, AND REASONABLE
2 UTILIZATION REVIEW, PROVIDED THAT ANY SUCH AMOUNTS, LIMITS OR REVIEW
3 SHALL BE NO GREATER THAN OTHER ESSENTIAL HEALTH BENEFITS COVERED BY THE
4 POLICY AND PROVIDED FURTHER THAT ANY SUCH AMOUNTS, LIMITS, OR REVIEW
5 SHALL NOT FUNCTION TO DIRECT TREATMENT IN A MANNER DISCRIMINATIVE
6 AGAINST ACUPUNCTURE TREATMENT. NOTHING HEREIN SHALL BE CONSTRUED AS
7 IMPEDING OR PREVENTING EITHER THE PROVISION OR COVERAGE OF ACUPUNCTURE
8 TREATMENT AND SERVICES BY DULY LICENSED OR CERTIFIED ACUPUNCTURISTS,
9 WITHIN THE LAWFUL SCOPE OF THE PRACTICE OF ACUPUNCTURE, IN HOSPITAL
10 FACILITIES ON A STAFF OR EMPLOYEES BASIS.

11 S 3. This act shall take effect on the ninetieth day after it shall
12 have become a law and shall apply to policies and contracts issued,
13 renewed, modified, altered or amended on or after such effective date.