

7545--C

2015-2016 Regular Sessions

I N A S S E M B L Y

May 18, 2015

Introduced by M. of A. CRESPO, RAIA, RIVERA, PALMESANO, DUPREY --
Multi-Sponsored by -- M. of A. ARROYO, DAVILA, HOOPER, JOYNER, LAVINE,
LINARES, PICHARDO, RODRIGUEZ, SEPULVEDA -- read once and referred to
the Committee on Insurance -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee --
reported and referred to the Committee on Ways and Means -- reported
and referred to the Committee on Rules -- Rules Committee discharged,
bill amended, ordered reprinted as amended and recommitted to the
Committee on Rules -- ordered to a third reading -- committed to the
Committee on Insurance in accordance with Assembly Rule 3, sec. 2 --
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 ASSEM-
BLY, 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 WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
4 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC
5 DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR
6 MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED
7 BY 42 U.S.C. S 18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE
8 SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY
9 THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH
10 BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN
11 THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB AND ALL THE COMPONENTS AND
12 RELATED SERVICES THAT COMPRISE PROSTHETIC CARE BUT SHALL NOT INCLUDE
13 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
14 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
15 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES

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

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1 IN THE STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC
2 DEVICE RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERV-
3 ING IN THE ARMED FORCES.

4 S 2. Subsection (l) of section 3221 of the insurance law is amended by
5 adding a new paragraph 19 to read as follows:

6 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
7 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC
8 DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR
9 MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED
10 BY 42 U.S.C. S 18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE
11 SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY
12 THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH
13 BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN
14 THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB AND ALL THE COMPONENTS AND
15 RELATED SERVICES THAT COMPRISE PROSTHETIC CARE 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 AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC
20 DEVICE RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERV-
21 ING IN THE ARMED FORCES.

22 S 3. Section 4303 of the insurance law is amended by adding a new
23 subsection (qq) to read as follows:

24 (QQ) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
25 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC
26 DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR
27 MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED
28 BY 42 U.S.C. S 18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE
29 SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY
30 THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH
31 BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN
32 THIS SUBSECTION INCLUDES AN ARTIFICIAL LIMB AND ALL OF THE COMPONENTS
33 AND RELATED SERVICES THAT COMPRISE PROSTHETIC CARE BUT SHALL NOT INCLUDE
34 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,
35 WHETHER OR NOT SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED
36 IN THIS SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
37 IN THE STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC
38 DEVICE RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERV-
39 ING IN THE ARMED FORCES.

40 S 4. This act shall take effect on the ninetieth day after it shall
41 have become a law and shall apply to policies and contracts issued,
42 renewed, altered, or amended on or after such effective date.