

7549

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 18, 2015

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

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 32 to read as follows:  
3     (32) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
4     COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC  
5     DEVICES THAT ARE INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND  
6     HABILITATIVE PURPOSES AS REQUIRED BY 42 U.S.C. S 18022. COVERAGE SHALL  
7     NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC  
8     DEVICE ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY HOLDER IN  
9     COMPLIANCE WITH THE AGE, DISABILITY AND EXPECTED LENGTH OF LIFE  
10    ANTI-DISCRIMINATION REQUIREMENTS OF 42 U.S.C. S 18022 (B)(4)(B) AND THE  
11    REQUIREMENT TO CONSIDER THE HEALTH CARE NEEDS OF DIVERSE SEGMENTS OF THE  
12    POPULATION, INCLUDING PERSONS WITH DISABILITIES, PURSUANT TO 42 U.S.C. S  
13    18022 (B)(4)(C). THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARAGRAPH  
14    INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER  
15    ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY  
16    CONSTRUCTED. SUCH COVERAGE SHALL BE SUBJECT TO ANNUAL DEDUCTIBLES AND  
17    COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT. THE COVERAGE  
18    REQUIRED BY THIS PARAGRAPH SHALL BE IDENTICAL TO, AND SHALL NOT ENHANCE  
19    OR INCREASE THE COVERAGE REQUIRED AS PART OF ESSENTIAL HEALTH BENEFITS  
20    AS REQUIRED PURSUANT TO SECTION 2707(A) OF THE PUBLIC HEALTH SERVICES  
21    ACT 42 U.S.C. S 300 GG-6(A). THE TERM "POLICY HOLDER" AS USED IN THIS  
22    PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE  
23    STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE  
24    RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN  
25    THE ARMED FORCES.

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

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1 S 2. Subsection (1) of section 3221 of the insurance law is amended by  
2 adding a new paragraph 19 to read as follows:

3 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
4 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC  
5 DEVICES THAT ARE INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND  
6 HABILITATIVE PURPOSES AS REQUIRED BY 42 U.S.C. S 18022. COVERAGE SHALL  
7 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC  
8 DEVICE ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY HOLDER IN  
9 COMPLIANCE WITH THE AGE, DISABILITY AND EXPECTED LENGTH OF LIFE  
10 ANTI-DISCRIMINATION REQUIREMENTS OF 42 U.S.C. S 18022 (B)(4)(B) AND THE  
11 REQUIREMENT TO CONSIDER THE HEALTH CARE NEEDS OF DIVERSE SEGMENTS OF THE  
12 POPULATION, INCLUDING PERSONS WITH DISABILITIES, PURSUANT TO 42 U.S.C. S  
13 18022 (B)(4)(C). THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARAGRAPH  
14 INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER  
15 ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY  
16 CONSTRUCTED. SUCH COVERAGE SHALL BE SUBJECT TO ANNUAL DEDUCTIBLES AND  
17 COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT. THE COVERAGE  
18 REQUIRED BY THIS PARAGRAPH SHALL BE IDENTICAL TO, AND SHALL NOT ENHANCE  
19 OR INCREASE THE COVERAGE REQUIRED AS PART OF ESSENTIAL HEALTH BENEFITS  
20 AS REQUIRED PURSUANT TO SECTION 2707(A) OF THE PUBLIC HEALTH SERVICES  
21 ACT 42 U.S.C. S 300 GG-6(A). THE TERM "POLICY HOLDER" AS USED IN THIS  
22 PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE  
23 STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE  
24 RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN  
25 THE ARMED FORCES.

26 S 3. Section 4303 of the insurance law is amended by adding a new  
27 subsection (pp) to read as follows:

28 (PP) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
29 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC  
30 DEVICES THAT ARE INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND  
31 HABILITATIVE PURPOSES AS REQUIRED BY 42 U.S.C. S 18022. COVERAGE SHALL  
32 NOT BE DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC  
33 DEVICE ADEQUATELY MEETS THE MEDICAL NEEDS OF THE POLICY HOLDER IN  
34 COMPLIANCE WITH THE AGE, DISABILITY AND EXPECTED LENGTH OF LIFE  
35 ANTI-DISCRIMINATION REQUIREMENTS OF 42 U.S.C. S 18022 (B)(4)(B) AND THE  
36 REQUIREMENT TO CONSIDER THE HEALTH CARE NEEDS OF DIVERSE SEGMENTS OF THE  
37 POPULATION, INCLUDING PERSONS WITH DISABILITIES, PURSUANT TO 42 U.S.C. S  
38 18022 (B)(4)(C). THE TERM "PROSTHETIC DEVICE" AS USED IN THIS  
39 SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR  
40 ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT  
41 SPECIALLY CONSTRUCTED. SUCH COVERAGE SHALL BE SUBJECT TO ANNUAL DEDUCT-  
42 IBLES AND COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT. THE  
43 COVERAGE REQUIRED BY THIS PARAGRAPH SHALL BE IDENTICAL TO, AND SHALL NOT  
44 ENHANCE OR INCREASE THE COVERAGE REQUIRED AS PART OF ESSENTIAL HEALTH  
45 BENEFITS AS REQUIRED PURSUANT TO SECTION 2707(A) OF THE PUBLIC HEALTH  
46 SERVICES ACT 42 U.S.C. S 300 GG-6(A). THE TERM "POLICY HOLDER" AS USED  
47 IN THIS SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES  
48 IN THE STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC  
49 DEVICE RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERV-  
50 ING IN THE ARMED FORCES.

51 S 4. This act shall take effect May 1, 2016 and shall apply to all  
52 policies and contracts issued, renewed, altered, or amended on or after  
53 such effective date.