S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N A S S E M B L Y

May 26, 2015

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

AN ACT to amend the insurance law, in relation to authorizing the issuance of certain accident and health insurance policies to an institution of higher education

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

Section 1. Paragraph 1 of subsection (a) and subsection (d) of section 3240 of the insurance law, as added by section 41 of part D of chapter 56 of the laws of 2013, are amended to read as follows:

(1) "Student accident and health insurance" means a policy or contract of hospital, medical, or surgical expense insurance delivered or issued for delivery in this state on or after January first, two thousand fourteen, by an insurer or a corporation, to an institution of higher education covering students enrolled in the institution and the students' dependents. HOWEVER, FOR THE PURPOSES OF THIS SECTION, "STUDENT ACCIDENT AND HEALTH INSURANCE" DOES NOT INCLUDE A POLICY OR CONTRACT WHICH PROVIDES: LIMITED SCOPE DENTAL OR VISION BENEFITS MEETING THE DEFINITION OF "EXCEPTED BENEFITS" SET FORTH IN SECTION 2791 OF THE PUBLIC HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C). ALSO, FOR THE PURPOSES OF THIS SECTION, "STUDENT ACCIDENT AND HEALTH INSURANCE" SHALL NOT INCLUDE AN ACCIDENT POLICY OR CONTRACT WHICH PROVIDES BENEFITS MEETING THE DEFINITION OF "EXCEPTED BENEFITS" SET FORTH IN SECTION 2791 OF THE PUBLIC HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C) IF SUCH POLICY OR CONTRACT: (A) IS LIMITED TO INTERCOLLEGIATE SPORTS INJURIES; (B) INCLUDES COVERAGE FOR TREATMENT RELATING TO THE INTERCOLLEGIATE SPORTS INJURY; (C) PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS; (D) PROVIDES THAT PREMIUMS ARE PAID IN FULL BY THE INSTITUTION OF HIGHER EDUCATION; (E) INCLUDES PROMINENT DISCLOSURE THAT THE ACCIDENT POLICY IS NOT A SUBSTITUTE FOR COMPREHENSIVE HOSPITAL AND MEDICAL COVERAGE; (F) PROVIDES COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES PRIMARY TO ANY ACCIDENT AND

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

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HEALTH INSURANCE POLICY OR SELF-FUNDED HEALTH BENEFIT PLAN ISSUED TO OR PROVIDED BY AN INSTITUTION OF HIGHER EDUCATION WHEN SUCH POLICY OR PLAN EXCLUDES COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES AND WHERE SUCH POLICY OR PLAN IS AVAILABLE TO ALL ENROLLED STUDENTS AND PROVIDES THAT ONE HUNDRED PERCENT OF THE PREMIUM IS PAID BY THE ENROLLED STUDENT; AND (G) IF DESIGNED TO COORDINATE WITH A SEPARATE POLICY OR CONTRACT ISSUED TO AN ATHLETIC ASSOCIATION WHICH EXTENDS COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES, INCLUDES A MAXIMUM BENEFIT THAT IS NO LESS THAN THE DEDUCTIBLE UNDER THE SEPARATE ATHLETIC ASSOCIATION POLICY OR CONTRACT.

(d) A student accident and health insurance policy or contract shall provide coverage for essential health benefits as defined in section 1302(b) of the affordable care act, 42 U.S.C. S 18022(b). STUDENT ACCIDENT AND HEALTH POLICIES MAY EXCLUDE OR LIMIT BENEFITS FOR INTERCOLLEGIATE SPORTS INJURIES TO THE EXTENT THAT THOSE BENEFITS ARE PROVIDED UNDER A SEPARATE ACCIDENT POLICY MEETING THE CONDITIONS SET FORTH IN SUBPARAGRAPHS (A) THROUGH (G) OF PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as section 41 of part D of chapter 56 of the laws of 2013, took effect.