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, MORELLE, LIFTON -- 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 Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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) of section 3240 of the insurance law, as added by section 41 of part D of chapter 56 of the laws of 2013, is amended and two new paragraphs 5 and 6 are added to read as follows:

(1)(A) "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.

(B) "STUDENT ACCIDENT AND HEALTH INSURANCE" SHALL NOT INCLUDE:

(I) A POLICY OR CONTRACT THAT 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); OR

(II) AN ACCIDENT POLICY OR CONTRACT THAT 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 THE POLICY OR CONTRACT:

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

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(I) IS LIMITED TO COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES ONLY;
(II) PROVIDES BENEFITS TO DIAGNOSE AND TREAT ANY INTERCOLLEGIATE SPORTS INJURY AND DOES NOT INCLUDE A BENEFIT DOLLAR MAXIMUM AMOUNT PER INJURY THAT IS LESS THAN THE OVERALL BENEFIT DOLLAR MAXIMUM AMOUNT PER STUDENT UNDER THE INTERCOLLEGIATE SPORTS INJURY POLICY OR CONTRACT;
(III) PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS;
(IV) PROVIDES THAT PREMIUMS ARE PAID IN FULL BY THE INSTITUTION OF HIGHER EDUCATION;
(V) INCLUDES PROMINENT DISCLOSURE TO THE STUDENT THAT THE ACCIDENT POLICY IS NOT A SUBSTITUTE FOR COMPREHENSIVE HOSPITAL AND MEDICAL COVERAGE;
(VI) PROVIDES COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES PRIMARY TO ANY STUDENT ACCIDENT AND HEALTH INSURANCE POLICY OR CONTRACT OR ANY STUDENT HEALTH PLAN ISSUED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER; EXCEPT THAT A POLICY OR CONTRACT MEETING THE REQUIREMENTS OF THIS ITEM MAY BE EXCESS OR SECONDARY TO ANY OTHER POLICY OR CONTRACT OF ACCIDENT AND HEALTH INSURANCE; AND
(VII) INCLUDES A MAXIMUM BENEFIT AMOUNT THAT IS NO LESS THAN THE DEDUCTIBLE UNDER THE SEPARATE ATHLETIC ASSOCIATION POLICY OR CONTRACT IF DESIGNED TO COORDINATE WITH A SEPARATE POLICY OR CONTRACT ISSUED TO AN ATHLETIC ASSOCIATION THAT EXTENDS COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES.
(5) "INTERCOLLEGIATE SPORT" MEANS A SPORT THAT HAS BEEN DESIGNATED AS AN INTERCOLLEGIATE SPORT BY THE INSTITUTION OF HIGHER EDUCATION IN WHICH A STUDENT IS ENROLLED AND THAT IS ORGANIZED OR SPONSORED BY AN INSTITUTION OF HIGHER EDUCATION.
(6) "INTERCOLLEGIATE SPORTS INJURY" MEANS AN INJURY SUSTAINED BY A STUDENT MEMBER OF AN ATHLETICS TEAM DURING PARTICIPATION IN AN INTERCOLLEGIATE SPORT.

S 2. Section 3240 of the insurance law, as added by section 41 of part D of chapter 56 of the laws of 2013, is amended by adding a new subsection (j) to read as follows:

(J) WITH RESPECT TO BENEFITS FOR TREATMENT RELATING TO AN INTERCOLLEGIATE SPORTS INJURY, AS DEFINED IN PARAGRAPH SIX OF SUBSECTION (A) OF THIS SECTION, A POLICY OR CONTRACT OF STUDENT ACCIDENT AND HEALTH INSURANCE OR A STUDENT HEALTH PLAN ISSUED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER SHALL BE SECONDARY TO A SEPARATE ACCIDENT POLICY OR CONTRACT MEETING THE REQUIREMENTS OF CLAUSES (I) THROUGH (VII) OF ITEM (II) OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (A) OF THIS SECTION.

S 3. Subparagraph (C) of paragraph 3 of subsection (a) of section 4237 of the insurance law is amended to read as follows:

(C) Under a policy or contract issued to [a college,] AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN THE HIGHER EDUCATION ACT OF 1965, 20 U.S.C. S 1001, OTHER school, or other institution of learning or to the head or principal thereof, who or which shall be deemed the policyholder, PROVIDED, WITH RESPECT TO A POLICY OR CONTRACT ISSUED TO AN INSTITUTION OF HIGHER EDUCATION, THE POLICY OR CONTRACT SHALL BE A POLICY OR CONTRACT:
(I) OF HOSPITAL, MEDICAL, OR SURGICAL EXPENSE INSURANCE THAT MEETS THE REQUIREMENTS OF SECTION THREE THOUSAND TWO HUNDRED FORTY OF THIS CHAPTER;
(II) THAT 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); OR

(III) AS DESCRIBED IN ITEM (II) OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (A) OF SECTION THREE THOUSAND TWO HUNDRED FORTY OF THIS CHAPTER.

S 4. 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.