

1708--A

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sens. BONACIC, HANNON, MARTINS, PANEPINTO, ROBACH, VENDITTO -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- 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 providing prosthetic devices

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 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. 300 GG-6(A).
22 S 2. Subsection (l) of section 3221 of the insurance law is amended by
23 adding a new paragraph 19 to read as follows:

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

LBD00990-04-5

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

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

22 (PP) EVERY CONTRACT WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
23 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC
24 DEVICES THAT ARE INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND
25 HABILITATIVE PURPOSES AS REQUIRED BY 42 U.S.C. S 18022. COVERAGE SHALL
26 NOT BE DENIED IF THE CONTRACT HOLDER'S PHYSICIAN DETERMINES THE PROS-
27 THETIC DEVICE ADEQUATELY MEETS THE MEDICAL NEEDS OF THE CONTRACT HOLDER
28 IN COMPLIANCE WITH THE AGE, DISABILITY AND EXPECTED LENGTH OF LIFE
29 ANTI-DISCRIMINATION REQUIREMENTS OF 42 U.S.C. S 18022(B)(4)(B) AND THE
30 REQUIREMENT TO CONSIDER THE HEALTH CARE NEEDS OF DIVERSE SEGMENTS OF THE
31 POPULATION, INCLUDING PERSONS WITH DISABILITIES, PURSUANT TO 42 U.S.C. S
32 18022(B)(4)(C). THE TERM "PROSTHETIC DEVICE" AS USED IN THIS SUBSECTION
33 INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY OTHER
34 ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT SPECIALLY
35 CONSTRUCTED. SUCH COVERAGE SHALL BE SUBJECT TO ANNUAL DEDUCTIBLES AND
36 COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT. THE COVERAGE
37 REQUIRED BY THIS SUBSECTION SHALL BE IDENTICAL TO, AND SHALL NOT ENHANCE
38 OR INCREASE THE COVERAGE REQUIRED AS PART OF ESSENTIAL HEALTH BENEFITS
39 AS REQUIRED PURSUANT TO SECTION 2707(A) OF THE PUBLIC HEALTH SERVICES
40 ACT 42 U.S.C. 300 GG-6(A).

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