

5350--B

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. ORTT -- 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 -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- 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 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 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 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.
13 S 18022 (B)(4)(C). THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-
14 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY
15 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
16 SPECIALLY CONSTRUCTED. SUCH COVERAGE SHALL BE SUBJECT TO ANNUAL DEDUCT-
17 IBLES AND COINSURANCE AS DEEMED APPROPRIATE BY THE SUPERINTENDENT. THE
18 COVERAGE REQUIRED BY THIS PARAGRAPH SHALL BE IDENTICAL TO, AND SHALL NOT
19 ENHANCE OR INCREASE THE COVERAGE REQUIRED AS PART OF ESSENTIAL HEALTH
20 BENEFITS AS REQUIRED PURSUANT TO SECTION 2707(A) OF THE PUBLIC HEALTH
21 SERVICES ACT 42 U.S.C. S 300 GG-6(A). THE TERM "POLICY HOLDER" AS USED
22 IN THIS PARAGRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES
23 IN THE STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC

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

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1 DEVICE RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERV-
2 ING IN THE ARMED FORCES.

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

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

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

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

53 S 4. This act shall take effect May 25, 2017 and shall apply to all
54 policies and contracts issued, renewed, altered, or amended on or after
55 such effective date.