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

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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 33 to read as follows:

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

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

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

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

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

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