AN ACT to amend the insurance law, in relation to coverage for the detection of breast cancer; to amend the public health law, in relation to requiring certified mammography facilities to provide extended hours; and to amend the civil service law, in relation to excused leave to undertake a screening for breast cancer

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

Section 1. Subparagraph (B) of paragraph 11 of subsection (i) of section 3216 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(B) Such coverage required pursuant to subparagraph (A) or (C) of this paragraph [may] SHALL NOT be subject to annual deductibles [and] OR coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

Section 2. Paragraph 11 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (F) to read as follows:

(F) SCREENING AND DIAGNOSTIC IMAGING FOR THE DETECTION OF BREAST CANCER, INCLUDING DIAGNOSTIC MAMMOGRAMS, BREAST ULTRASOUNDS, OR MAGNETIC RESONANCE IMAGING, COVERED UNDER THE POLICY SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES OR COINSURANCE.

Section 3. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 33 to read as follows:

(33) WHENEVER IN THIS SECTION AN INSURER IS REQUIRED TO PROVIDE BENEFITS WITH NO COINSURANCE OR DEDUCTIBLE, THE REQUIREMENT ONLY APPLIES WITH RESPECT TO PARTICIPATING PROVIDERS IN THE INSURER'S NETWORK, OR WITH RESPECT TO NON-PARTICIPATING PROVIDERS, IF THE INSURER DOES NOT HAVE A PARTICIPATING PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED PURSUANT TO SUBSECTION (D) OF SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN-D OF THIS ARTICLE.

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

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S. 4. Subparagraph (B) of paragraph 11 of subsection (l) of section 3221 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(B) Such coverage required pursuant to subparagraph (A) or (C) of this paragraph [may] SHALL NOT be subject to annual deductibles [and] OR coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy].

S 5. Paragraph 11 of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (F) to read as follows:

(F) SCREENING AND DIAGNOSTIC IMAGING FOR THE DETECTION OF BREAST CANCER, INCLUDING DIAGNOSTIC MAMMOGRAMS, BREAST ULTRASOUNDS, OR MAGNETIC RESONANCE IMAGING, COVERED UNDER THE POLICY SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES OR COINSURANCE.

S 6. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 19 to read as follows:

(19) WHENEVER IN THIS SECTION AN INSURER IS REQUIRED TO PROVIDE BENEFITS WITH NO COINSURANCE OR DEDUCTIBLE, THE REQUIREMENT ONLY APPLIES WITH RESPECT TO PARTICIPATING PROVIDERS IN THE INSURER'S NETWORK, OR WITH RESPECT TO NON-PARTICIPATING PROVIDERS, IF THE INSURER DOES NOT HAVE A PARTICIPATING PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED PURSUANT TO SUBSECTION (D) OF SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN-D OF THIS ARTICLE.

S 7. Subparagraph (D) of paragraph 1 of subsection (p) of section 4303 of the insurance law, as amended by chapter 219 of the laws of 2011, is amended to read as follows:

(D) The coverage required in this paragraph or paragraph two of this subsection [may] SHALL NOT be subject to annual deductibles [and] OR coinsurance [as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given contract].

S 8. Subsection (p) of section 4303 of the insurance law is amended by adding a new paragraph 5 to read as follows:

(5) SCREENING AND DIAGNOSTIC IMAGING FOR THE DETECTION OF BREAST CANCER, INCLUDING DIAGNOSTIC MAMMOGRAMS, BREAST ULTRASOUNDS, OR MAGNETIC RESONANCE IMAGING, COVERED UNDER THE CONTRACT SHALL NOT BE SUBJECT TO ANNUAL DEDUCTIBLES OR COINSURANCE.

S 9. Section 4303 of the insurance law is amended by adding a new subsection (qq) to read as follows:

(QQ) WHENEVER IN THIS SECTION A CORPORATION IS REQUIRED TO PROVIDE BENEFITS WITH NO COINSURANCE OR DEDUCTIBLE, THE REQUIREMENT ONLY APPLIES WITH RESPECT TO PARTICIPATING PROVIDERS IN THE CORPORATION'S NETWORK, OR WITH RESPECT TO NON-PARTICIPATING PROVIDERS, IF THE CORPORATION DOES NOT HAVE A PARTICIPATING PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE COVERED PERSON PURSUANT TO SUBSECTION (D) OF SECTION FOUR THOUSAND THREE HUNDRED SIX-C OF THIS ARTICLE, OR AS APPLICABLE, PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FORTY-FOUR HUNDRED THREE OF THE PUBLIC HEALTH LAW.

S 10. The public health law is amended by adding a new section 2404-d to read as follows:

S 2404-D. BREAST CANCER; DUTY TO PROVIDE EXTENDED HOURS. 1. APPLICABILITY. THIS SECTION SHALL APPLY TO ANY GENERAL HOSPITAL OR EXTENSION CLINIC THAT IS CERTIFIED AS A MAMMOGRAPHY FACILITY PURSUANT TO THE FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT (MQSA).
2. EXTENDED SERVICE HOURS. ANY GENERAL HOSPITAL OR EXTENSION CLINIC CERTIFIED AS A MAMMOGRAPHY FACILITY PURSUANT TO THE MQSA SHALL PROVIDE EXTENDED HOURS, I.E. IN THE EARLY MORNING, EVENING, OR WEEKEND HOURS, FOR SCREENING MAMMOGRAPHY SERVICES. EXTENDED HOURS FOR SCREENING MAMMOGRAPHY SERVICES SHALL BE PROVIDED ON AT LEAST TWO DAYS EACH WEEK, FOR AT LEAST TWO HOURS EACH DAY OFFERED, FOR A TOTAL OF AT LEAST FOUR HOURS EACH WEEK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING TIMES:
(A) MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 7:00 AM AND 9:00 AM;
(B) MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 5:00 PM AND 7:00 PM;
OR
(C) SATURDAY OR SUNDAY, BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM.
3. WAIVER. (A) A FACILITY MAY SUBMIT AN APPLICATION FOR A WAIVER FROM THE REQUIREMENTS OF THIS SECTION, IN WHOLE OR IN PART, IF IT CAN DEMONSTRATE, TO THE DEPARTMENT'S SATISFACTION, THAT THE FACILITY:
(I) DOES NOT HAVE SUFFICIENT STAFF TO PROVIDE EXTENDED HOURS FOR SCREENING MAMMOGRAPHY SERVICES IN ACCORDANCE WITH THIS SECTION, AND THAT IT IS MAKING DILIGENT EFFORTS TO OBTAIN STAFFING SUCH THAT IT CAN PROVIDE EXTENDED HOURS;
(II) IS IN THE PROCESS OF DISCONTINUING SCREENING MAMMOGRAPHY SERVICES, AS PART OF A CONSOLIDATION OR SIMILAR CHANGE; OR
(III) IS SUBJECT TO SUCH OTHER HARDSHIPS AS THE DEPARTMENT DEEMS APPROPRIATE.
(B) THE DEPARTMENT MAY DENY, GRANT OR EXTEND A WAIVER PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION FOR NINETY DAYS, OR MORE IF THE DEPARTMENT DETERMINES APPROPRIATE, IN ITS SOLE DISCRETION.

S 11. Subdivision 3 of section 159-b of the civil service law, as added by chapter 566 of the laws of 2006, is amended to read as follows:
[3. The provisions of this section shall not apply to any employee of a city having a population of one million or more.]
S 12. This act shall take effect immediately and shall apply to policies and contracts issued, renewed, modified or amended on or after January 1, 2017; provided, however, that section eleven of this act shall take effect on the ninetieth day after it shall have become a law; and provided, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.