

8093

I N S E N A T E

June 12, 2016

Introduced by Sens. FLANAGAN, HANNON, SEWARD -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

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

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

17 (33) WHENEVER IN THIS SECTION AN INSURER IS REQUIRED TO PROVIDE BENE-
18 FITS WITH NO COINSURANCE OR DEDUCTIBLE, THE REQUIREMENT ONLY APPLIES
19 WITH RESPECT TO PARTICIPATING PROVIDERS IN THE INSURER'S NETWORK, OR
20 WITH RESPECT TO NON-PARTICIPATING PROVIDERS, IF THE INSURER DOES NOT
21 HAVE A PARTICIPATING PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS
22 NETWORK WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTIC-
23 ULAR HEALTH CARE NEEDS OF THE INSURED PURSUANT TO SUBSECTION (D) OF
24 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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1 S 4. Subparagraph (B) of paragraph 11 of subsection (l) of section
2 3221 of the insurance law, as amended by chapter 219 of the laws of
3 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

53 S 2404-D. BREAST CANCER; DUTY TO PROVIDE EXTENDED HOURS. 1. APPLICA-
54 BILITY. THIS SECTION SHALL APPLY TO ANY GENERAL HOSPITAL OR EXTENSION
55 CLINIC THAT IS CERTIFIED AS A MAMMOGRAPHY FACILITY PURSUANT TO THE
56 FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT (MQSA).

1 2. EXTENDED SERVICE HOURS. ANY GENERAL HOSPITAL OR EXTENSION CLINIC
2 CERTIFIED AS A MAMMOGRAPHY FACILITY PURSUANT TO THE MQSA SHALL PROVIDE
3 EXTENDED HOURS, I.E. IN THE EARLY MORNING, EVENING, OR WEEKEND HOURS,
4 FOR SCREENING MAMMOGRAPHY SERVICES. EXTENDED HOURS FOR SCREENING MAMMOG-
5 RAPHY SERVICES SHALL BE PROVIDED ON AT LEAST TWO DAYS EACH WEEK, FOR AT
6 LEAST TWO HOURS EACH DAY OFFERED, FOR A TOTAL OF AT LEAST FOUR HOURS
7 EACH WEEK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING TIMES:

8 (A) MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 7:00 AM AND 9:00 AM;

9 (B) MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 5:00 PM AND 7:00 PM;
10 OR

11 (C) SATURDAY OR SUNDAY, BETWEEN THE HOURS OF 9:00 AM AND 5:00 PM.

12 3. WAIVER. (A) A FACILITY MAY SUBMIT AN APPLICATION FOR A WAIVER FROM
13 THE REQUIREMENTS OF THIS SECTION, IN WHOLE OR IN PART, IF IT CAN DEMON-
14 STRATE, TO THE DEPARTMENT'S SATISFACTION, THAT THE FACILITY:

15 (I) DOES NOT HAVE SUFFICIENT STAFF TO PROVIDE EXTENDED HOURS FOR
16 SCREENING MAMMOGRAPHY SERVICES IN ACCORDANCE WITH THIS SECTION, AND THAT
17 IT IS MAKING DILIGENT EFFORTS TO OBTAIN STAFFING SUCH THAT IT CAN
18 PROVIDE EXTENDED HOURS;

19 (II) IS IN THE PROCESS OF DISCONTINUING SCREENING MAMMOGRAPHY
20 SERVICES, AS PART OF A CONSOLIDATION OR SIMILAR CHANGE; OR

21 (III) IS SUBJECT TO SUCH OTHER HARDSHIPS AS THE DEPARTMENT DEEMS
22 APPROPRIATE.

23 (B) THE DEPARTMENT MAY DENY, GRANT OR EXTEND A WAIVER PURSUANT TO
24 PARAGRAPH (A) OF THIS SUBDIVISION FOR NINETY DAYS, OR MORE IF THE
25 DEPARTMENT DETERMINES APPROPRIATE, IN ITS SOLE DISCRETION.

26 S 11. Subdivision 3 of section 159-b of the civil service law, as
27 added by chapter 566 of the laws of 2006, is amended to read as follows:

28 [3. The provisions of this section shall not apply to any employee of
29 a city having a population of one million or more.]

30 S 12. This act shall take effect immediately and shall apply to poli-
31 cies and contracts issued, renewed, modified or amended on or after
32 January 1, 2017; provided, however, that section eleven of this act
33 shall take effect on the ninetieth day after it shall have become a law;
34 and provided, further, that effective immediately, the addition, amend-
35 ment and/or repeal of any rule or regulation necessary for the implemen-
36 tation of this act on its effective date is authorized and directed to
37 be made and completed on or before such effective date.