

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

---

Introduced by M. of A. DINOWITZ, CLARK, GALEF, CUSICK, CYMBROWITZ, ZEBROWSKI, ORTIZ, ENGLEBRIGHT, ROZIC -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, COLTON, COOK, GLICK, GOTTFRIED, RAIA -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing insurance coverage for colorectal cancer early detection

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

1     Section 1. Paragraph 27 of subsection (i) of section 3216 of the  
2     insurance law, as added by chapter 457 of the laws of 2010, is renum-  
3     bered paragraph 32, paragraph 28 of subsection (i) of section 3216 of  
4     the insurance law, as amended by chapter 11 of the laws of 2012, is  
5     renumbered paragraph 33 and a new paragraph 34 is added to read as  
6     follows:  
7     (34) (A) EVERY POLICY WHICH PROVIDES COVERAGE PURSUANT TO THIS SECTION  
8     SHALL PROVIDE COVERAGE TO ANY NAMED SUBSCRIBER OR OTHER PERSON COVERED  
9     THEREUNDER FOR EXPENSES INCURRED IN CONDUCTING COLORECTAL CANCER EXAM-  
10    INATIONS AND LABORATORY TESTS AT REGULAR INTERVALS, INCLUDING EXPENSES  
11    INCURRED IN CONDUCTING PHYSICIAN CONSULTATIONS FOR COLORECTAL CANCER  
12    PRIOR TO SUCH EXAMINATIONS AND TESTS, FOR PERSONS FIFTY YEARS OF AGE OR  
13    OLDER AND FOR PERSONS OF ANY AGE WHO ARE CONSIDERED TO BE AT HIGH RISK  
14    FOR COLORECTAL CANCER. THE METHODS OF SCREENING FOR WHICH BENEFITS SHALL  
15    BE PROVIDED SHALL INCLUDE BUT NOT BE LIMITED TO:  
16    (I) A SCREENING FECAL OCCULT BLOOD TEST;  
17    (II) FLEXIBLE SIGMOIDOSCOPY;  
18    (III) COLONOSCOPY;  
19    (IV) BARIUM ENEMA; OR  
20    (V) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE;  
21    AND  
22    (VI) ANY COMBINATION THEREOF.

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

LBD01543-01-5

1 THE METHOD AND FREQUENCY OF SCREENING TO BE UTILIZED SHALL BE IN  
2 ACCORD WITH THE MOST RECENTLY PUBLISHED GUIDELINES OF THE AMERICAN  
3 COLLEGE OF GASTROENTEROLOGY OR THE AMERICAN GASTROENTEROLOGICAL ASSOCI-  
4 ATION IN CONSULTATION WITH THE AMERICAN CANCER SOCIETY.

5 (B) AS USED IN THIS PARAGRAPH, "HIGH RISK FOR COLORECTAL CANCER" SHALL  
6 MEAN A PERSON HAS,

7 (I) A FAMILY HISTORY OF FAMILIAL ADENOMATOUS POLYPOSIS; HEREDITARY  
8 NON-POLYPOSIS COLON CANCER; OR BREAST, OVARIAN, ENDOMETRIAL OR COLON  
9 CANCER OR POLYPS;

10 (II) CHRONIC INFLAMMATORY BOWEL DISEASE; OR

11 (III) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES  
12 PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.

13 S 2. Subsection (k) of section 3221 of the insurance law is amended by  
14 adding a new paragraph 20 to read as follows:

15 (20) (A) EVERY POLICY WHICH PROVIDES COVERAGE PURSUANT TO THIS SECTION  
16 SHALL PROVIDE COVERAGE TO ANY NAMED SUBSCRIBER OR OTHER PERSON COVERED  
17 THEREUNDER FOR EXPENSES INCURRED IN CONDUCTING COLORECTAL CANCER EXAM-  
18 INATIONS AND LABORATORY TESTS AT REGULAR INTERVALS, INCLUDING EXPENSES  
19 INCURRED IN CONDUCTING PHYSICIAN CONSULTATIONS FOR COLORECTAL CANCER  
20 PRIOR TO SUCH EXAMINATIONS AND TESTS, FOR PERSONS FIFTY YEARS OF AGE OR  
21 OLDER AND FOR PERSONS OF ANY AGE WHO ARE CONSIDERED TO BE AT HIGH RISK  
22 FOR COLORECTAL CANCER. THE METHODS OF SCREENING FOR WHICH BENEFITS SHALL  
23 BE PROVIDED SHALL INCLUDE BUT NOT BE LIMITED TO:

24 (I) A SCREENING FECAL OCCULT BLOOD TEST;

25 (II) FLEXIBLE SIGMOIDOSCOPY;

26 (III) COLONOSCOPY;

27 (IV) BARIUM ENEMA; OR

28 (V) THE MOST RELIABLE, MEDICALLY RECOGNIZED SCREENING TEST AVAILABLE;  
29 AND

30 (VI) ANY COMBINATION THEREOF.

31 THE METHOD AND FREQUENCY OF SCREENING TO BE UTILIZED SHALL BE IN  
32 ACCORD WITH THE MOST RECENTLY PUBLISHED GUIDELINES OF THE AMERICAN  
33 COLLEGE OF GASTROENTEROLOGY OR THE AMERICAN GASTROENTEROLOGICAL ASSOCI-  
34 ATION IN CONSULTATION WITH THE AMERICAN CANCER SOCIETY.

35 (B) AS USED IN THIS PARAGRAPH, "HIGH RISK FOR COLORECTAL CANCER" SHALL  
36 MEAN A PERSON HAS,

37 (I) A FAMILY HISTORY OF FAMILIAL ADENOMATOUS POLYPOSIS; HEREDITARY  
38 NON-POLYPOSIS COLON CANCER; OR BREAST, OVARIAN, ENDOMETRIAL OR COLON  
39 CANCER OR POLYPS;

40 (II) CHRONIC INFLAMMATORY BOWEL DISEASE; OR

41 (III) A BACKGROUND, ETHNICITY OR LIFESTYLE THAT THE PHYSICIAN BELIEVES  
42 PUTS THE PERSON AT ELEVATED RISK FOR COLORECTAL CANCER.

43 S 3. Subsection (a) of section 4303 of the insurance law is amended by  
44 adding a new paragraph 4 to read as follows:

45 (4) TO PERSONS FIFTY YEARS OF AGE OR OLDER FOR SERVICES RELATED TO THE  
46 CONDUCTING OF COLORECTAL CANCER EXAMINATIONS AND LABORATORY TESTS AT  
47 REGULAR INTERVALS, INCLUDING EXPENSES INCURRED IN CONDUCTING PHYSICIAN  
48 CONSULTATIONS FOR COLORECTAL CANCER PRIOR TO SUCH EXAMINATIONS AND  
49 TESTS, INCLUDING BUT NOT LIMITED TO, COLONOSCOPIES, COLOSCOPIES, SCREEN-  
50 ING FECAL OCCULT BLOOD TESTS, FLEXIBLE SIGMOIDOSCOPIES OR BARIUM ENEMAS.

51 S 4. The superintendent of financial services shall require an insur-  
52 er, health carrier or health benefit plan to notify enrollees annually  
53 of colorectal cancer screenings covered by such enrollees' health bene-  
54 fit plan and the most recently published guidelines of the American  
55 College of Gastroenterology or the American Gastroenterological Associ-  
56 ation in consultation with the American Cancer Society for colorectal

1 cancer screenings or notify enrollees at intervals consistent with the  
2 most recently published guidelines of the American College of Gastroen-  
3 terology or the American Gastroenterological Association in consultation  
4 with the American Cancer Society of colorectal cancer screenings which  
5 are covered by such enrollees' health benefit plans. The notice shall  
6 be delivered by mail unless the enrollee and health carrier have agreed  
7 on another method of notification. The superintendent of financial  
8 services is authorized to promulgate necessary rules and regulations for  
9 the purposes of providing such notification.

10 S 5. This act shall take effect immediately and shall apply to any  
11 policy issued, delivered, renewed, and/or modified on or after the  
12 effective date of this act.