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

5174--B

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. McDONALD, PICHARDO, DUPREY, WALTER, CRESPO, CLARK, GOTTFRIED, RUSSELL, DiPIETRO, FAHY, STEC -- Multi-Sponsored by -- M. of A. BARRON, CERETTO, GALEF, KEARNS, LUPINACCI, McLAUGHLIN -- read once and referred 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 Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring prescription drug coverage to include such supplements and vitamins, medical foods, and other medications as shall be deemed necessary to mitigate and/or treat the symptoms of mitochondrial disease

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) (A) EVERY POLICY WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLEMENTS AND VITAMINS, MEDICAL FOODS SUCH AS COENZYME Q10, AND OTHER MEDICATIONS USED TO TREAT THE SYMPTOMS ASSOCIATED WITH MITOCHONDRIAL DISEASE AS A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE AND/OR TREAT THE SYMPTOMS OF MITOCHONDRIAL DISEASE DIAGNOSED, THROUGH CLINICAL ASSESSMENT, MUSCLE BIOPSY, BIOCHEMICAL TESTING OR GENETIC TESTING, IN A COVERED PERSON.

(B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE POLICY.

S 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 21 to read as follows:

(21)(A) EVERY GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLE-

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

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MENTS AND VITAMINS, MEDICAL FOODS SUCH AS COENZYME Q10, AND OTHER MEDICATIONS USED TO TREAT THE SYMPTOMS ASSOCIATED WITH MITOCHONDRIAL DISEASE AS A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE AND/OR TREAT THE SYMPTOMS OF MITOCHONDRIAL DISEASE DIAGNOSED, THROUGH CLINICAL ASSESSMENT, MUSCLE BIOPSY, BIOCHEMICAL TESTING OR GENETIC TESTING, IN A COVERED PERSON.

(B) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE POLICY.

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

(OO) (1) EVERY CONTRACT ISSUED BY A CORPORATION SUBJECT TO THE PROVISIONS OF THIS ARTICLE WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL INCLUDE COVERAGE FOR THE COST OF SUCH SUPPLEMENTS AND VITAMINS, MEDICAL FOODS SUCH AS COENZYME Q10, AND OTHER MEDICATIONS USED TO TREAT THE SYMPTOMS ASSOCIATED WITH MITOCHONDRIAL DISEASE AS A PHYSICIAN SHALL DEEM NECESSARY TO MITIGATE AND/OR TREAT THE SYMPTOMS OF MITOCHONDRIAL DISEASE DIAGNOSED, THROUGH CLINICAL ASSESSMENT, MUSCLE BIOPSY, BIOCHEMICAL TESTING OR GENETIC TESTING, IN A COVERED PERSON.

(2) SUCH COVERAGE MAY BE SUBJECT TO SUCH ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN THE CONTRACT.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies and contracts issued, reissued, renewed, modified or amended on or after such date.