

7725

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 26, 2015

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Introduced by M. of A. STIRPE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to authorizing the issuance of certain accident and health insurance policies to an institution of higher education

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

1     Section 1. Paragraph 1 of subsection (a) and subsection (d) of section  
2     3240 of the insurance law, as added by section 41 of part D of chapter  
3     56 of the laws of 2013, are amended to read as follows:  
4     (1) "Student accident and health insurance" means a policy or contract  
5     of hospital, medical, or surgical expense insurance delivered or issued  
6     for delivery in this state on or after January first, two thousand four-  
7     teen, by an insurer or a corporation, to an institution of higher educa-  
8     tion covering students enrolled in the institution and the students'  
9     dependents. HOWEVER, FOR THE PURPOSES OF THIS SECTION, "STUDENT ACCIDENT  
10    AND HEALTH INSURANCE" DOES NOT INCLUDE A POLICY OR CONTRACT WHICH  
11    PROVIDES: LIMITED SCOPE DENTAL OR VISION BENEFITS MEETING THE DEFINI-  
12    TION OF "EXCEPTED BENEFITS" SET FORTH IN SECTION 2791 OF THE PUBLIC  
13    HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C). ALSO, FOR THE PURPOSES OF  
14    THIS SECTION, "STUDENT ACCIDENT AND HEALTH INSURANCE" SHALL NOT INCLUDE  
15    AN ACCIDENT POLICY OR CONTRACT WHICH PROVIDES BENEFITS MEETING THE DEFINI-  
16    TION OF "EXCEPTED BENEFITS" SET FORTH IN SECTION 2791 OF THE PUBLIC  
17    HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C) IF SUCH POLICY OR CONTRACT:  
18    (A) IS LIMITED TO INTERCOLLEGIATE SPORTS INJURIES; (B) INCLUDES COVERAGE  
19    FOR TREATMENT RELATING TO THE INTERCOLLEGIATE SPORTS INJURY; (C)  
20    PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS; (D) PROVIDES THAT PREMI-  
21    UMS ARE PAID IN FULL BY THE INSTITUTION OF HIGHER EDUCATION; (E)  
22    INCLUDES PROMINENT DISCLOSURE THAT THE ACCIDENT POLICY IS NOT A SUBSTI-  
23    TUTE FOR COMPREHENSIVE HOSPITAL AND MEDICAL COVERAGE; (F) PROVIDES  
24    COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES PRIMARY TO ANY ACCIDENT AND

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

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1 HEALTH INSURANCE POLICY OR SELF-FUNDED HEALTH BENEFIT PLAN ISSUED TO OR  
2 PROVIDED BY AN INSTITUTION OF HIGHER EDUCATION WHEN SUCH POLICY OR PLAN  
3 EXCLUDES COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES AND WHERE SUCH  
4 POLICY OR PLAN IS AVAILABLE TO ALL ENROLLED STUDENTS AND PROVIDES THAT  
5 ONE HUNDRED PERCENT OF THE PREMIUM IS PAID BY THE ENROLLED STUDENT; AND  
6 (G) IF DESIGNED TO COORDINATE WITH A SEPARATE POLICY OR CONTRACT ISSUED  
7 TO AN ATHLETIC ASSOCIATION WHICH EXTENDS COVERAGE FOR INTERCOLLEGIATE  
8 SPORTS INJURIES, INCLUDES A MAXIMUM BENEFIT THAT IS NO LESS THAN THE  
9 DEDUCTIBLE UNDER THE SEPARATE ATHLETIC ASSOCIATION POLICY OR CONTRACT.

10 (d) A student accident and health insurance policy or contract shall  
11 provide coverage for essential health benefits as defined in section  
12 1302(b) of the affordable care act, 42 U.S.C. S 18022(b). STUDENT ACCI-  
13 DENT AND HEALTH POLICIES MAY EXCLUDE OR LIMIT BENEFITS FOR INTERCOLLEGI-  
14 ATE SPORTS INJURIES TO THE EXTENT THAT THOSE BENEFITS ARE PROVIDED UNDER  
15 A SEPARATE ACCIDENT POLICY MEETING THE CONDITIONS SET FORTH IN SUBPARA-  
16 GRAPHS (A) THROUGH (G) OF PARAGRAPH ONE OF SUBSECTION (A) OF THIS  
17 SECTION.

18 S 2. This act shall take effect immediately and shall be deemed to  
19 have been in full force and effect on the same date and in the same  
20 manner as section 41 of part D of chapter 56 of the laws of 2013, took  
21 effect.