

1708--C

2015-2016 Regular Sessions

I N   S E N A T E

January 14, 2015

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Introduced by Sens. BONACIC, AVELLA, BRESLIN, GOLDEN, HANNON, LATIMER, MARTINS, PANEPINTO, RITCHIE, ROBACH, VENDITTO -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for providing prosthetic devices

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

1     Section 1. Subsection (i) of section 3216 of the insurance law is  
2     amended by adding a new paragraph 33 to read as follows:  
3     (33) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
4     COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC  
5     DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR  
6     MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED  
7     BY 42 U.S.C. §18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE  
8     SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY  
9     THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH  
10    BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN  
11    THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB AND ALL OF THE COMPONENTS AND  
12    RELATED SERVICES THAT COMPRISE PROSTHETIC CARE BUT SHALL NOT INCLUDE  
13    SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,  
14    WHETHER OR NOT SPECIALLY CONSTRUCTED.  
15    S 2. Subsection (l) of section 3221 of the insurance law is amended by  
16    adding a new paragraph 19 to read as follows:  
17    (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
18    COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC

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

LBD00990-08-6

1 DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR  
2 MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED  
3 BY 42 U.S.C. S18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE  
4 SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY  
5 THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH  
6 BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN  
7 THIS PARAGRAPH INCLUDES AN ARTIFICIAL LIMB AND ALL OF THE COMPONENTS AND  
8 RELATED SERVICES THAT COMPRISE PROSTHETIC CARE BUT SHALL NOT INCLUDE  
9 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,  
10 WHETHER OR NOT SPECIALLY CONSTRUCTED.

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

13 (QQ) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
14 COMPREHENSIVE TYPE COVERAGE SHALL PROVIDE COVERAGE FOR PROSTHETIC  
15 DEVICES, INCLUDING REPAIRS AND REPLACEMENTS, THAT ARE INTENDED FOR  
16 MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE PURPOSES AS REQUIRED  
17 BY 42 U.S.C. S18022. AS SUCH, PROSTHETIC DEVICE COVERAGE SHALL BE  
18 SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS DEEMED APPROPRIATE BY  
19 THE SUPERINTENDENT IN AMOUNTS NO GREATER THAN OTHER ESSENTIAL HEALTH  
20 BENEFITS COVERED BY THE POLICY. THE TERM "PROSTHETIC DEVICE" AS USED IN  
21 THIS SUBSECTION INCLUDES AN ARTIFICIAL LIMB AND ALL OF THE COMPONENTS  
22 AND RELATED SERVICES THAT COMPRISE PROSTHETIC CARE BUT SHALL NOT INCLUDE  
23 SHOES OR ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL,  
24 WHETHER OR NOT SPECIALLY CONSTRUCTED.

25 S 4. This act shall take effect on the ninetieth day after it shall  
26 have become a law and shall apply to policies and contracts issued,  
27 renewed, modified, altered or amended on or after such effective date.