

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

2574--A

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- 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 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 AND PROVIDES COVERAGE FOR DURABLE MEDICAL
5 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
6 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
7 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
8 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE
9 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
10 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
11 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-
12 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY
13 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
14 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-
15 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE
16 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED
17 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED
18 FORCES.
19 S 2. Subsection (l) of section 3221 of the insurance law is amended by
20 adding a new paragraph 19 to read as follows:
21 (19) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
22 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL

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

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1 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
2 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
3 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
4 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE
5 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
6 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
7 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS PARA-
8 GRAPH INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR ANY
9 OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
10 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS PARA-
11 GRAPH SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE STATE
12 OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE RESULTED
13 FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED
14 FORCES.

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

17 (OO) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR
18 COMPREHENSIVE TYPE COVERAGE AND PROVIDES COVERAGE FOR DURABLE MEDICAL
19 EQUIPMENT SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES THAT ARE
20 INTENDED FOR MEDICALLY NECESSARY REHABILITATIVE AND HABILITATIVE
21 PURPOSES AS REQUIRED BY 42 U.S.C. S 18022 THAT IS EQUIVALENT TO THE
22 COVERAGE PROVIDED FOR DURABLE MEDICAL EQUIPMENT. COVERAGE SHALL NOT BE
23 DENIED IF THE POLICY HOLDER'S PHYSICIAN DETERMINES THE PROSTHETIC DEVICE
24 IS THE MOST APPROPRIATE MODEL THAT ADEQUATELY MEETS THE MEDICAL NEEDS OF
25 THE POLICY HOLDER. THE TERM "PROSTHETIC DEVICE" AS USED IN THIS
26 SUBSECTION INCLUDES AN ARTIFICIAL LIMB BUT SHALL NOT INCLUDE SHOES OR
27 ANY OTHER ARTICLE CONSIDERED AS ORDINARY WEARING APPAREL, WHETHER OR NOT
28 SPECIALLY CONSTRUCTED. THE TERM "POLICY HOLDER" AS USED IN THIS
29 SUBSECTION SHALL MEAN A VETERAN OF THE ARMED FORCES WHO RESIDES IN THE
30 STATE OF NEW YORK AND WHOSE MEDICAL NEED FOR SUCH PROSTHETIC DEVICE
31 RESULTED FROM AN INJURY SUFFERED IN THE LINE OF DUTY WHILE SERVING IN
32 THE ARMED FORCES.

33 S 4. This act shall take effect May 1, 2018 and shall apply to all
34 policies and contracts issued, renewed, altered, or amended on or after
35 such effective date.