

5192--A

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I N S E N A T E

May 6, 2015

Introduced by Sens. SEWARD, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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) of section 3240 of the insur-  
2 ance law, as added by section 41 of part D of chapter 56 of the laws of  
3 2013, is amended and two new paragraphs 5 and 6 are added to read as  
4 follows:

5 (1)(A) "Student accident and health insurance" means a policy or  
6 contract of hospital, medical, or surgical expense insurance delivered  
7 or issued for delivery in this state on or after January first, two  
8 thousand fourteen, by an insurer or a corporation, to an institution of  
9 higher education covering students enrolled in the institution and the  
10 students' dependents.

11 (B) "STUDENT ACCIDENT AND HEALTH INSURANCE" SHALL NOT INCLUDE:

12 (I) A POLICY OR CONTRACT THAT PROVIDES LIMITED SCOPE DENTAL OR VISION  
13 BENEFITS MEETING THE DEFINITION OF "EXCEPTED BENEFITS" SET FORTH IN  
14 SECTION 2791 OF THE PUBLIC HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C);  
15 OR

16 (II) AN ACCIDENT POLICY OR CONTRACT THAT PROVIDES BENEFITS MEETING THE  
17 DEFINITION OF "EXCEPTED BENEFITS" SET FORTH IN SECTION 2791 OF THE  
18 PUBLIC HEALTH SERVICE ACT, 42 U.S.C. S 300GG-91(C), IF THE POLICY OR  
19 CONTRACT:

20 (I) IS LIMITED TO COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES ONLY;

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

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1 (II) PROVIDES BENEFITS TO DIAGNOSE AND TREAT ANY INTERCOLLEGIATE  
2 SPORTS INJURY AND DOES NOT INCLUDE A BENEFIT DOLLAR MAXIMUM AMOUNT PER  
3 INJURY THAT IS LESS THAN THE OVERALL BENEFIT DOLLAR MAXIMUM AMOUNT PER  
4 STUDENT UNDER THE INTERCOLLEGIATE SPORTS INJURY POLICY OR CONTRACT;

5 (III) PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS;

6 (IV) PROVIDES THAT PREMIUMS ARE PAID IN FULL BY THE INSTITUTION OF  
7 HIGHER EDUCATION;

8 (V) INCLUDES PROMINENT DISCLOSURE TO THE STUDENT THAT THE ACCIDENT  
9 POLICY IS NOT A SUBSTITUTE FOR COMPREHENSIVE HOSPITAL AND MEDICAL COVER-  
10 AGE;

11 (VI) PROVIDES COVERAGE FOR INTERCOLLEGIATE SPORTS INJURIES PRIMARY TO  
12 ANY STUDENT ACCIDENT AND HEALTH INSURANCE POLICY OR CONTRACT OR ANY  
13 STUDENT HEALTH PLAN ISSUED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED  
14 TWENTY-FOUR OF THIS CHAPTER; AND

15 (VII) INCLUDES A MAXIMUM BENEFIT AMOUNT THAT IS NO LESS THAN THE  
16 DEDUCTIBLE UNDER THE SEPARATE ATHLETIC ASSOCIATION POLICY OR CONTRACT IF  
17 DESIGNED TO COORDINATE WITH A SEPARATE POLICY OR CONTRACT ISSUED TO AN  
18 ATHLETIC ASSOCIATION THAT EXTENDS COVERAGE FOR INTERCOLLEGIATE SPORTS  
19 INJURIES.

20 (5) "INTERCOLLEGIATE SPORT" MEANS A SPORT THAT HAS BEEN DESIGNATED AS  
21 AN INTERCOLLEGIATE SPORT BY THE INSTITUTION OF HIGHER EDUCATION IN WHICH  
22 A STUDENT IS ENROLLED AND THAT IS ORGANIZED OR SPONSORED BY AN INSTITU-  
23 TION OF HIGHER EDUCATION.

24 (6) "INTERCOLLEGIATE SPORTS INJURY" MEANS AN INJURY SUSTAINED BY A  
25 STUDENT MEMBER OF AN ATHLETICS TEAM DURING PARTICIPATION IN AN INTERCOL-  
26 LEGIATE SPORT.

27 S 2. Section 3240 of the insurance law, as added by section 41 of part  
28 D of chapter 56 of the laws of 2013, is amended by adding a new  
29 subsection (j) to read as follows:

30 (J) WITH RESPECT TO BENEFITS FOR TREATMENT RELATING TO AN INTERCOLLE-  
31 GIATE SPORTS INJURY, AS DEFINED IN PARAGRAPH SIX OF SUBSECTION (A) OF  
32 THIS SECTION, A POLICY OR CONTRACT OF STUDENT ACCIDENT AND HEALTH INSUR-  
33 ANCE OR A STUDENT HEALTH PLAN ISSUED PURSUANT TO SECTION ONE THOUSAND  
34 ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER SHALL BE SECONDARY TO A SEPARATE  
35 ACCIDENT POLICY OR CONTRACT MEETING THE REQUIREMENTS OF CLAUSES (I)  
36 THROUGH (VII) OF ITEM (II) OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF  
37 SUBSECTION (A) OF THIS SECTION.

38 S 3. This act shall take effect immediately and shall be deemed to  
39 have been in full force and effect on the same date and in the same  
40 manner as section 41 of part D of chapter 56 of the laws of 2013 took  
41 effect.