

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 insurance law, as added by section 41 of part D of chapter 56 of the laws of
2 2013, is amended and two new paragraphs 5 and 6 are added to read as
3 follows:
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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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(II) PROVIDES BENEFITS TO DIAGNOSE AND TREAT ANY INTERCOLLEGIATE SPORTS INJURY AND DOES NOT INCLUDE A BENEFIT DOLLAR MAXIMUM AMOUNT PER INJURY THAT IS LESS THAN THE OVERALL BENEFIT DOLLAR MAXIMUM AMOUNT PER STUDENT UNDER THE INTERCOLLEGIATE SPORTS INJURY POLICY OR CONTRACT;

(III) PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS;

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

(V) INCLUDES PROMINENT DISCLOSURE TO THE STUDENT THAT THE ACCIDENT POLICY IS NOT A SUBSTITUTE FOR COMPREHENSIVE HOSPITAL AND MEDICAL COVERAGE;

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

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

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

(6) "INTERCOLLEGIATE SPORTS INJURY" MEANS AN INJURY SUSTAINED BY A STUDENT MEMBER OF AN ATHLETICS TEAM DURING PARTICIPATION IN AN INTERCOLLEGIATE SPORT.

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

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

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