

STATE OF NEW YORK

6396--C

Cal. No. 458

2017-2018 Regular Sessions

IN ASSEMBLY

March 6, 2017

Introduced by M. of A. ROZIC, DE LA ROSA, COLTON, ENGLEBRIGHT, ORTIZ, SIMON, FAHY, HARRIS, BLAKE, JAFFEE, D'URSO, MAYER, GUNTHER, CRESPO, RIVERA, ABINANTI, BARRETT, SEPULVEDA, BRONSON, L. ROSENTHAL, RAIA, JOHNS -- Multi-Sponsored by -- M. of A. COOK, CROUCH, GALEF, GIGLIO, HIKIND, M. L. MILLER, NOLAN, RA -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the insurance law, in relation to coverage for eating disorders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (B) of paragraph 5 of subsection (1) of
2 section 3221 of the insurance law, as amended by chapter 502 of the laws
3 of 2007, is amended to read as follows:

4 (B) (i) Every insurer delivering a group or school blanket policy or
5 issuing a group or school blanket policy for delivery, in this state,
6 which provides coverage for inpatient hospital care or coverage for
7 physician services, shall provide comparable coverage for adults and
8 children with biologically based mental illness. Such group policies
9 issued or delivered in this state shall also provide such comparable
10 coverage for children with serious emotional disturbances. Such coverage
11 shall be provided under the terms and conditions otherwise applicable
12 under the policy, including network limitations or variations, exclu-
13 sions, co-pays, coinsurance, deductibles or other specific cost sharing
14 mechanisms. Provided further, where a policy provides both in-network
15 and out-of-network benefits, the out-of-network benefits may have

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

LBD06526-06-8

1 different coinsurance, co-pays, or deductibles, than the in-network
2 benefits, regardless of whether the policy is written under one license
3 or two licenses.

4 (ii) For purposes of this paragraph, the term "biologically based
5 mental illness" means a mental, nervous, or emotional condition that is
6 caused by a biological disorder of the brain and results in a clinically
7 significant, psychological syndrome or pattern that substantially limits
8 the functioning of the person with the illness. Such biologically based
9 mental illnesses are defined as schizophrenia/psychotic disorders, major
10 depression, bipolar disorder, delusional disorders, panic disorder,
11 obsessive compulsive disorders[~~, bulimia, and anorexia~~] or an eating
12 disorder.

13 (iii) For purposes of this paragraph, the term "eating disorder" means
14 pica, rumination disorder, avoidant/restrictive food intake disorder,
15 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-
16 fied feeding or eating disorder, and any other eating disorder contained
17 in the most recent version of the Diagnostic and Statistical Manual of
18 Mental Disorders published by the American Psychiatric Association.

19 § 2. Paragraph 2 of subsection (g) of section 4303 of the insurance
20 law, as amended by chapter 502 of the laws of 2007, is amended to read
21 as follows:

22 (2) (A) A hospital service corporation or a health service corpo-
23 ration, which provides group, group remittance or school blanket cover-
24 age for inpatient hospital care, shall provide comparable coverage for
25 adults and children with biologically based mental illness. Such hospi-
26 tal service corporation or health service corporation shall also provide
27 such comparable coverage for children with serious emotional disturb-
28 ances. Such coverage shall be provided under the terms and conditions
29 otherwise applicable under the contract, including network limitations
30 or variations, exclusions, co-pays, coinsurance, deductibles or other
31 specific cost sharing mechanisms. Provided further, where a contract
32 provides both in-network and out-of-network benefits, the out-of-network
33 benefits may have different coinsurance, co-pays, or deductibles, than
34 the in-network benefits, regardless of whether the contract is written
35 under one license or two licenses.

36 (B) For purposes of this subsection, the term "biologically based
37 mental illness" means a mental, nervous, or emotional condition that is
38 caused by a biological disorder of the brain and results in a clinically
39 significant, psychological syndrome or pattern that substantially limits
40 the functioning of the person with the illness. Such biologically based
41 mental illnesses are defined as schizophrenia/psychotic disorders, major
42 depression, bipolar disorder, delusional disorders, panic disorder,
43 obsessive compulsive disorders[~~, anorexia, and bulimia~~] or an eating
44 disorder.

45 (C) For purposes of this subsection, the term "eating disorder" means
46 pica, rumination disorder, avoidant/restrictive food intake disorder,
47 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-
48 fied feeding or eating disorder, and any other eating disorder contained
49 in the most recent version of the Diagnostic and Statistical Manual of
50 Mental Disorders published by the American Psychiatric Association.

51 § 3. Paragraph 2 of subsection (h) of section 4303 of the insurance
52 law, as amended by chapter 502 of the laws of 2007, is amended to read
53 as follows:

54 (2) (A) A medical expense indemnity corporation or a health service
55 corporation, which provides group, group remittance or school blanket
56 coverage for physician services, shall provide comparable coverage for

1 adults and children with biologically based mental illness. Such medical
2 expense indemnity corporation or health service corporation shall also
3 provide such comparable coverage for children with serious emotional
4 disturbances. Such coverage shall be provided under the terms and condi-
5 tions otherwise applicable under the contract, including network limita-
6 tions or variations, exclusions, co-pays, coinsurance, deductibles or
7 other specific cost sharing mechanisms. Provided further, where a
8 contract provides both in-network and out-of-network benefits, the out-
9 of-network benefits may have different coinsurance, co-pays, or deduct-
10 ibles, than the in-network benefits, regardless of whether the contract
11 is written under one license or two licenses.

12 (B) For purposes of this subsection, the term "biologically based
13 mental illness" means a mental, nervous, or emotional condition that is
14 caused by a biological disorder of the brain and results in a clinically
15 significant, psychological syndrome or pattern that substantially limits
16 the functioning of the person with the illness. Such biologically based
17 mental illnesses are defined as schizophrenia/psychotic disorders, major
18 depression, bipolar disorder, delusional disorders, panic disorder,
19 obsessive compulsive disorder[, ~~anorexia, and bulimia~~] or an eating
20 disorder.

21 (C) For purposes of this subsection, the term "eating disorder" means
22 pica, rumination disorder, avoidant/restrictive food intake disorder,
23 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-
24 fied feeding or eating disorder, and any other eating disorder contained
25 in the most recent version of the Diagnostic and Statistical Manual of
26 Mental Disorders published by the American Psychiatric Association.

27 § 4. This act shall take effect on the ninetieth day after it shall
28 have become a law; provided, however, that the provisions of this act
29 shall apply to policies and contracts issued, renewed, modified, altered
30 or amended on or after such effective date.