

# STATE OF NEW YORK

704--A

2017-2018 Regular Sessions

## IN SENATE

January 4, 2017

Introduced by Sens. ORTT, CARLUCCI, HAMILTON -- 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 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 34 to read as follows:

3 (34) Every policy which provides medical, major medical, or similar  
4 comprehensive type coverage to a policyholder shall provide coverage for  
5 prosthetic devices that are intended for medially necessary rehabilita-  
6 tive and habilitative purposes as required by 42 U.S.C. § 18022. Cover-  
7 age shall include the cost of repair or replacement of prosthetic  
8 devices due to normal wear and tear, if a prosthetic device has been  
9 outgrown or no longer fits properly, or where a change in the medical  
10 condition makes replacement necessary. Coverage shall not include the  
11 costs of repair or replacement of a prosthetic device that is covered  
12 under the warranty of the manufacture or when the repair or replacement  
13 is necessary due to misuse or negligence. The term "prosthetic device"  
14 as used in this paragraph includes an artificial limb, but shall not  
15 include shoes or any other article considered as ordinary wearing  
16 apparel, whether or not specifically constructed. The term "policyhold-  
17 er" as used in this paragraph shall mean a veteran of the armed forces  
18 who resides in the state of New York and whose medical need for such  
19 prosthetic device resulted from an injury suffered while in active duty  
20 serving in the armed forces. Such coverage shall be subject to annual  
21 deductibles and coinsurance as deemed appropriate by the superintendent.  
22 The coverage required by this paragraph shall be identical to, and shall

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

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1 not enhance or increase the essential health benefit coverage chosen by  
2 the state pursuant to 45 CFR 156.100. Nothing in this paragraph shall be  
3 construed to prevent the medical management or utilization review of  
4 benefits for medically necessary rehabilitative and habilitative  
5 purposes.

6 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
7 adding a new paragraph 20 to read as follows:

8 (20) Every policy which provides medical, major medical, or similar  
9 comprehensive type coverage to a policyholder shall provide coverage for  
10 prosthetic devices that are intended for medically necessary rehabilita-  
11 tive and habilitative purposes as required by 42 U.S.C. § 18022. Cover-  
12 age shall include the cost of repair or replacement of prosthetic  
13 devices due to normal wear and tear, if a prosthetic device has been  
14 outgrown or no longer fits properly, or where a change in the medical  
15 condition makes replacement necessary. Coverage shall not include the  
16 costs of repair or replacement of a prosthetic device that is covered  
17 under the warranty of the manufacturer or when the repair or replacement  
18 is necessary due to misuse or negligence. The term "prosthetic device"  
19 as used in this paragraph includes an artificial limb, but shall not  
20 include shoes or any other article considered as ordinary wearing  
21 apparel, whether or not specifically constructed. The term "policyhold-  
22 er" as used in this paragraph shall mean a veteran of the armed forces  
23 who resides in the state of New York and whose medical need for such  
24 prosthetic device resulted from an injury suffered while on active duty  
25 serving in the armed forces. Such coverage shall be subject to annual  
26 deductibles and coinsurance as deemed appropriate by the superintendent.  
27 The coverage required by this paragraph shall be identical to, and shall  
28 not enhance or increase the essential health benefit coverage chosen by  
29 the state pursuant to 45 CFR 156.100. Nothing in this paragraph shall be  
30 construed to prevent the medical management or utilization review of  
31 benefits for medically necessary rehabilitative and habilitative  
32 purposes.

33 § 3. Section 4303 of the insurance law is amended by adding a new  
34 subsection (rr) to read as follows:

35 (rr) Every policy which provides medical, major medical, or similar  
36 comprehensive type coverage to a policyholder shall provide coverage for  
37 prosthetic devices that are intended for medically necessary rehabilita-  
38 tive and habilitative purposes as required by 42 U.S.C. § 18022. Cover-  
39 age shall include the cost of repair or replacement of prosthetic  
40 devices due to normal wear and tear, if a prosthetic device has been  
41 outgrown or no longer fits properly, or where a change in the medical  
42 condition makes replacement necessary. Coverage shall not include the  
43 costs of repair or replacement of a prosthetic device that is covered  
44 under the warranty of the manufacturer or when the repair or replacement  
45 is necessary due to misuse or negligence. The term "prosthetic device"  
46 as used in this subsection includes an artificial limb, but shall not  
47 include shoes or any other article considered as ordinary wearing  
48 apparel, whether or not specifically constructed. The term "policyhold-  
49 er" as used in this subsection shall mean a veteran of the armed forces  
50 who resides in the state of New York and whose medical need for such  
51 prosthetic device resulted from an injury suffered while on active duty  
52 serving in the armed forces. Such coverage shall be subject to annual  
53 deductibles and coinsurance as deemed appropriate by the superintendent.  
54 The coverage required by this subsection shall be identical to, and  
55 shall not enhance or increase the essential health benefit coverage  
56 chosen by the state pursuant to 45 CFR 156.100. Nothing in this

1 subsection shall be construed to prevent the medical management or  
2 utilization review of benefits for medically necessary rehabilitation  
3 and habilitation purpose.

4 § 4. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law and shall apply to policies and contracts  
6 issued, renewed, modified, altered or amended on or after such effective  
7 date.