

STATE OF NEW YORK

11031

IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner, O'Donnell) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to gender indication on claim forms

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

1 Section 1. Subsection (a) of section 3224 of the insurance law is
2 amended to read as follows:

3 (a) The superintendent shall establish standard claim forms for the
4 services of hospitals, physicians and other health care providers to be
5 used for all accident and health insurance claims. All insurers provid-
6 ing such insurance shall accept said standard claim forms when submitted
7 by a hospital, physician or other health care provider covering services
8 rendered to an individual covered by the policy or when submitted by an
9 insured covering these same services. Corporations operating under arti-
10 cle forty-three of this chapter shall be required to use standard claim
11 forms as established by the superintendent pursuant to this section.
12 Such standard claim forms shall include at least three gender options
13 pursuant to regulations issued by the superintendent of financial
14 services.

15 § 2. Subsection (i) of section 3216 of the insurance law is amended by
16 adding a new paragraph 35 to read as follows:

17 (35) Every policy delivered or issued for delivery in this state that
18 provides coverage for hospital, surgical or medical care shall not
19 exclude coverage for screening, diagnosis and treatment of medical
20 conditions, or services otherwise covered by the policy solely on the
21 basis of the gender indicated on a claim form, or that the gender indi-
22 cated on a claim form is different from the insured's sex assigned at
23 birth or gender otherwise recorded, or that the insured is not of the
24 gender to whom a service is typically or exclusively provided.

25 § 3. Subsection (1) of section 3221 of the insurance law is amended by
26 adding a new paragraph 21 to read as follows:

27 (21) Every policy delivered or issued for delivery in this state that
28 provides coverage for hospital, surgical or medical care shall not

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

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1 exclude coverage for screening, diagnosis and treatment of medical
2 conditions, or services otherwise covered by the policy solely on the
3 basis of the gender indicated on a claim form, or that the gender indi-
4 cated on a claim form is different from the insured's sex assigned at
5 birth or gender otherwise recorded, or that the insured is not of the
6 gender to whom a service is typically or exclusively provided.

7 § 4. Section 4303 of the insurance law is amended by adding a new
8 subsection (ss) to read as follows:

9 (ss) Every contract issued by a corporation subject to the provisions
10 of this article that provides coverage for hospital, surgical or medical
11 care shall not exclude coverage for screening, diagnosis and treatment
12 of medical conditions, or services otherwise covered by the contract
13 solely on the basis of the gender indicated on a claim form, or that the
14 gender indicated on a claim form is different from the insured's sex
15 assigned at birth or gender otherwise recorded, or that the insured is
16 not of the gender to whom a service is typically or exclusively
17 provided.

18 § 5. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law and shall apply to
20 policies and contracts issued, renewed, modified, altered or amended on
21 and after such date.