

STATE OF NEW YORK

6396--A

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 -- Multi-Sponsored by -- M. of A. COOK, CROUCH, GIGLIO, HIKIND, LUPINACCI, NOLAN -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 or an eating disorder.
9 Such group policies issued or delivered in this state shall also provide
10 such comparable coverage for children with serious emotional disturb-
11 ances. Such coverage shall be provided under the terms and conditions
12 otherwise applicable under the policy, including network limitations or
13 variations, exclusions, co-pays, coinsurance, deductibles or other
14 specific cost sharing mechanisms. Provided further, where a policy
15 provides both in-network and out-of-network benefits, the out-of-network
16 benefits may have different coinsurance, co-pays, or deductibles, than
17 the in-network benefits, regardless of whether the policy is written
18 under one license or two licenses.

19 (ii) For purposes of this paragraph, the term "biologically based
20 mental illness" means a mental, nervous, or emotional condition that is

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

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1 caused by a biological disorder of the brain and results in a clinically
2 significant, psychological syndrome or pattern that substantially limits
3 the functioning of the person with the illness. Such biologically based
4 mental illnesses are defined as schizophrenia/psychotic disorders, major
5 depression, bipolar disorder, delusional disorders, panic disorder[7] or
6 obsessive compulsive disorders[~~7, bulimia, and anorexia~~].

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

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

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

30 (B) For purposes of this subsection, the term "biologically based
31 mental illness" means a mental, nervous, or emotional condition that is
32 caused by a biological disorder of the brain and results in a clinically
33 significant, psychological syndrome or pattern that substantially limits
34 the functioning of the person with the illness. Such biologically based
35 mental illnesses are defined as schizophrenia/psychotic disorders, major
36 depression, bipolar disorder, delusional disorders, panic disorder[7] or
37 obsessive compulsive disorders[~~7, anorexia, and bulimia~~].

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

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

47 (2) (A) A medical expense indemnity corporation or a health service
48 corporation, which provides group, group remittance or school blanket
49 coverage for physician services, shall provide comparable coverage for
50 adults and children with biologically based mental illness or an eating
51 disorder. Such medical expense indemnity corporation or health service
52 corporation shall also provide such comparable coverage for children
53 with serious emotional disturbances. Such coverage shall be provided
54 under the terms and conditions otherwise applicable under the contract,
55 including network limitations or variations, exclusions, co-pays, coin-
56 surance, deductibles or other specific cost sharing mechanisms. Provided

1 further, where a contract provides both in-network and out-of-network
2 benefits, the out-of-network benefits may have different coinsurance,
3 co-pays, or deductibles, than the in-network benefits, regardless of
4 whether the contract is written under one license or two licenses.

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

13 (C) For purposes of this subsection, 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 § 4. This act shall take effect on the ninetieth day after it shall
20 have become a law; provided, however, that the provisions of this act
21 shall apply to policies and contracts issued, renewed, modified, altered
22 or amended on or after such effective date.