

# STATE OF NEW YORK

8683

2017-2018 Regular Sessions

## IN ASSEMBLY

September 25, 2017

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Insurance

AN ACT to amend the public health law, in relation to the written summary relating to prostate cancer; and to amend the insurance law, in relation to coverage of diagnostic screening for prostate cancer

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

1 Section 1. Section 2404-a of the public health law, as added by chapter 141 of the laws of 1997, is amended to read as follows:

2 § 2404-a. Prostate cancer; duty to inform. 1. The commissioner shall  
3 develop a standardized written summary, in plain non-technical language,  
4 which shall explain the following:

5 (a) the symptoms and risk factors for prostate cancer;

6 (b) the available methods for the detection and diagnosis of prostate  
7 cancer, including information on the relative accuracy of the available  
8 detection and diagnostic techniques;

9 (c) the availability of insurance coverage for diagnostic screening  
10 for prostate cancer without cost sharing pursuant to subparagraph (B) of  
11 paragraph eleven-a of subsection (i) of section three thousand two  
12 hundred sixteen, subparagraph (B) of paragraph eleven-a of subsection  
13 (1) of section three thousand two hundred twenty-one and paragraph two  
14 of subsection (z-1) of section four thousand three hundred three of the  
15 insurance law; and

16 ~~[(e)]~~ (d) the alternative medically viable methods of treating  
17 prostate cancer, including but not limited to hormonal, radiological,  
18 chemotherapeutic or surgical treatments, or combinations thereof. The  
19 summary shall contain information on prostate post-treatment risks and  
20 other pertinent information to aid a person in deciding a course of  
21 treatment. The summary shall be updated as is necessary.

22 ~~[(d)]~~ 2. The summary shall be provided to any health care provider or  
23 practitioner providing medical treatment to adult men without charge or  
24

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

LBD13496-01-7

1 fee for distribution in accordance with subdivision [~~two~~] three of this  
2 section.

3 [~~2-~~] 3. The standardized written summary provided for by subdivision  
4 one of this section may be provided by a health care provider to each  
5 person under [~~his/her~~] his or her care who is or may be at risk for  
6 prostate cancer or who has been diagnosed to be afflicted with prostate  
7 cancer upon said diagnosis, or as soon thereafter as practicable.

8 [~~3-~~] 4. Nothing in this section shall be construed to create a cause  
9 of action for lack of informed consent in any instance in which such  
10 cause of action would be limited by section twenty-eight hundred five-d  
11 of this chapter.

12 [~~4-~~] 5. The commissioner shall have the written summary, required by  
13 this section, completed and prepared for distribution on or before Janu-  
14 ary first, nineteen hundred ninety-eight.

15 § 2. Subparagraph (B) of paragraph 11-a of subsection (i) of section  
16 3216 of the insurance law, as added by chapter 601 of the laws of 2000,  
17 is amended to read as follows:

18 (B) Such coverage [~~may~~] shall not be subject to annual deductibles  
19 [~~and~~] or coinsurance [~~as may be deemed appropriate by the superintendent~~  
20 ~~and as are consistent with those established for other benefits within a~~  
21 ~~given policy~~].

22 § 3. Subparagraph (B) of paragraph 11-a of subsection (1) of section  
23 3221 of the insurance law, as added by chapter 601 of the laws of 2000,  
24 is amended to read as follows:

25 (B) Such coverage [~~may~~] shall not be subject to annual deductibles  
26 [~~and~~] or coinsurance [~~as may be deemed appropriate by the superintendent~~  
27 ~~and as are consistent with those established for other benefits within a~~  
28 ~~given policy~~].

29 § 4. Paragraph 2 of subsection (z-1) of section 4303 of the insurance  
30 law, as added by chapter 601 of the laws of 2000, is amended to read as  
31 follows:

32 (2) Such coverage [~~may~~] shall not be subject to annual deductibles  
33 [~~and~~] or coinsurance [~~as may be deemed appropriate by the superintendent~~  
34 ~~and as are consistent with those established for other benefits within a~~  
35 ~~given policy~~].

36 § 5. This act shall take effect immediately, and sections two, three  
37 and four of this act shall apply to all policies and contracts issued,  
38 renewed, modified or amended on or after January 1, 2018.