

# STATE OF NEW YORK

491

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. LIFTON, JAFFEE, O'DONNELL, PEOPLES-STOKES,  
L. ROSENTHAL -- Multi-Sponsored by -- M. of A. COLTON, GALEF, GUNTHER  
-- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing coverage for  
family members of children who require psychiatric or psychological  
services

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 35 to read as follows:

3 (35) (A) Every insurer issuing a policy of accident and health insur-  
4 ance for delivery in this state which provides coverage for psychiatric  
5 or psychological services or diagnosis or treatment of mental, nervous  
6 or emotional disorders or ailments shall make available and provide  
7 coverage for family sessions when the insured is under eighteen years of  
8 age. In this paragraph, "family sessions" means therapy sessions deter-  
9 mined as necessary by a licensed psychological professional in the state  
10 involving any family member of an insured.

11 (B) The coverage required by this paragraph shall include treatment as  
12 a family member pursuant to such family member's own policy or contract  
13 provided such family member (i) does not exceed the allowable number of  
14 family visits provided by the applicable policy or contract, and (ii) is  
15 otherwise entitled to coverage pursuant to such family member's applica-  
16 ble policy or contract.

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

19 (21) (A) Every group or blanket policy which provides coverage for  
20 psychiatric or psychological services or diagnosis or treatment of  
21 mental, nervous or emotional disorders or ailments shall make available  
22 and provide coverage for family sessions when the insured is under eigh-

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

LBD01828-01-9

1 teen years of age. In this paragraph, "family sessions" means therapy  
2 sessions determined as necessary by a licensed psychological profes-  
3 sional in the state involving any family member of an insured.

4 (B) The coverage required by this paragraph shall include treatment as  
5 a family member pursuant to such family member's own policy or contract  
6 provided such family member (i) does not exceed the allowable number of  
7 family visits provided by the applicable policy or contract, and (ii) is  
8 otherwise entitled to coverage pursuant to such family member's applica-  
9 ble policy or contract.

10 § 3. Subsection (i) of section 4303 of the insurance law, as amended  
11 by chapter 230 of the laws of 2004, is amended to read as follows:

12 (i) A medical expense indemnity corporation or health service corpo-  
13 ration which provides coverage for physicians, psychiatrists or psychol-  
14 ogists for psychiatric or psychological services or for the diagnosis  
15 and treatment of mental, nervous or emotional disorders and ailments,  
16 however defined in such contract, must make available and if requested  
17 by all persons holding individual contracts in a group whose premiums  
18 are paid by a remitting agent or by the contract holder in the case of a  
19 group contract issued pursuant to section four thousand three hundred  
20 five of this article[7]: (A) provide the same coverage for such services  
21 when performed by a licensed clinical social worker, within the lawful  
22 scope of his or her practice, who is licensed pursuant to article one  
23 hundred fifty-four of the education law. The state board for social work  
24 shall maintain a list of all licensed clinical social workers qualified  
25 for reimbursement under this subsection. Such coverage shall be made  
26 available at the inception of all new contracts and, with respect to all  
27 other contracts, at any anniversary date subject to evidence of insura-  
28 bility. Written notice of the availability of such coverage shall be  
29 delivered to the group remitting agent or group contract holder prior to  
30 inception of such contract and annually thereafter, except that this  
31 notice shall not be required where a policy covers two hundred or more  
32 employees or where the benefit structure was the subject of collective  
33 bargaining affecting persons who are employed in more than one state[7];  
34 and (B) make available and provide coverage for family sessions when the  
35 insured is under eighteen years of age.

36 (i) In this subsection, "family sessions" means therapy sessions  
37 determined as necessary by a licensed psychological professional in the  
38 state involving any family member of an insured.

39 (ii) The coverage required by this subsection shall include treatment  
40 as a family member pursuant to such family member's own policy or  
41 contract provided such family member (1) does not exceed the allowable  
42 number of family visits provided by the applicable policy or contract,  
43 and (2) is otherwise entitled to coverage pursuant to such family  
44 member's applicable policy or contract.

45 § 4. This act shall take effect on the one hundred twentieth day after  
46 it shall have become a law, except that any rule or regulation necessary  
47 for the timely implementation of this act on its effective date shall be  
48 promulgated on or before such date.