

# STATE OF NEW YORK

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8292

2019-2020 Regular Sessions

## IN ASSEMBLY

June 13, 2019

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

AN ACT to amend the insurance law, in relation to limiting co-payments for insulin

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

1 Section 1. Paragraph 15-a of subsection (i) of section 3216 of the  
2 insurance law, as added by chapter 378 of the laws of 1993 such section  
3 as renumbered and subparagraph (A) as amended by chapter 338 of the laws  
4 of 2003, is amended to read as follows:

5 (15-a) (A) Every policy which provides medical coverage that includes  
6 coverage for physician services in a physician's office and every policy  
7 which provides major medical or similar comprehensive-type coverage  
8 shall include coverage for the following equipment and supplies for the  
9 treatment of diabetes, if recommended or prescribed by a physician or  
10 other licensed health care provider legally authorized to prescribe  
11 under title eight of the education law: blood glucose monitors and blood  
12 glucose monitors for the visually impaired, data management systems,  
13 test strips for glucose monitors and visual reading and urine testing  
14 strips, insulin, injection aids, cartridges for the visually impaired,  
15 syringes, insulin pumps and appurtenances thereto, insulin infusion  
16 devices, and oral agents for controlling blood sugar. In addition, the  
17 commissioner of the department of health shall provide and periodically  
18 update by rule or regulation a list of additional diabetes equipment and  
19 related supplies such as are medically necessary for the treatment of  
20 diabetes, for which there shall also be coverage. Such policies shall  
21 also include coverage for diabetes self-management education to ensure  
22 that persons with diabetes are educated as to the proper self-management  
23 and treatment of their diabetic condition, including information on  
24 proper diets. Such coverage for self-management education and education  
25 relating to diet shall be limited to visits medically necessary upon the

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

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1 diagnosis of diabetes, where a physician diagnoses a significant change  
2 in the patient's symptoms or conditions which necessitate changes in a  
3 patient's self-management, or where reeducation or refresher education  
4 is necessary. Such education may be provided by the physician or other  
5 licensed health care provider legally authorized to prescribe under  
6 title eight of the education law, or their staff, as part of an office  
7 visit for diabetes diagnosis or treatment, or by a certified diabetes  
8 nurse educator, certified nutritionist, certified dietitian or regis-  
9 tered dietitian upon the referral of a physician or other licensed  
10 health care provider legally authorized to prescribe under title eight  
11 of the education law. Education provided by the certified diabetes nurse  
12 educator, certified nutritionist, certified dietitian or registered  
13 dietitian may be limited to group settings wherever practicable. Cover-  
14 age for self-management education and education relating to diet shall  
15 also include home visits when medically necessary.

16 (B) Such coverage may be subject to annual deductibles and coinsurance  
17 as may be deemed appropriate by the superintendent and as are consistent  
18 with those established for other benefits within a given policy;  
19 provided, however, that a covered person shall not be required to pay an  
20 amount in excess of one hundred dollars per thirty day supply of  
21 prescription insulin regardless of the amount or type of insulin needed  
22 to fill the covered person's prescription, however nothing shall prevent  
23 an insurer from reducing such maximum amount.

24 § 2. Paragraph 7 of subsection (k) of section 3221 of the insurance  
25 law, as amended by chapter 338 of the laws of 2003, is amended to read  
26 as follows:

27 (7)(A) Every group or blanket accident and health insurance policy  
28 issued or issued for delivery in this state which provides medical  
29 coverage that includes coverage for physician services in a physician's  
30 office and every policy which provides major medical or similar compre-  
31 hensive-type coverage shall include coverage for the following equipment  
32 and supplies for the treatment of diabetes, if recommended or prescribed  
33 by a physician or other licensed health care provider legally authorized  
34 to prescribe under title eight of the education law: blood glucose moni-  
35 tors and blood glucose monitors for the visually impaired, data manage-  
36 ment systems, test strips for glucose monitors and visual reading and  
37 urine testing strips, insulin, injection aids, cartridges for the visu-  
38 ally impaired, syringes, insulin pumps and appurtenances thereto, insu-  
39 lin infusion devices, and oral agents for controlling blood sugar. In  
40 addition, the commissioner of the department of health shall provide and  
41 periodically update by rule or regulation a list of additional diabetes  
42 equipment and related supplies such as are medically necessary for the  
43 treatment of diabetes, for which there shall also be coverage. Such  
44 policies shall also include coverage for diabetes self-management educa-  
45 tion to ensure that persons with diabetes are educated as to the proper  
46 self-management and treatment of their diabetic condition, including  
47 information on proper diets. Such coverage for self-management education  
48 and education relating to diet shall be limited to visits medically  
49 necessary upon the diagnosis of diabetes, where a physician diagnoses a  
50 significant change in the patient's symptoms or conditions which neces-  
51 sitate changes in a patient's self-management, or where reeducation or  
52 refresher education is necessary. Such education may be provided by the  
53 physician or other licensed health care provider legally authorized to  
54 prescribe under title eight of the education law, or their staff, as  
55 part of an office visit for diabetes diagnosis or treatment, or by a  
56 certified diabetes nurse educator, certified nutritionist, certified

1 dietitian or registered dietitian upon the referral of a physician or  
2 other licensed health care provider legally authorized to prescribe  
3 under title eight of the education law. Education provided by the certi-  
4 fied diabetes nurse educator, certified nutritionist, certified dieti-  
5 tian or registered dietitian may be limited to group settings wherever  
6 practicable. Coverage for self-management education and education  
7 relating to diet shall also include home visits when medically neces-  
8 sary.

9 (B) Such coverage may be subject to annual deductibles and coinsurance  
10 as may be deemed appropriate by the superintendent and as are consistent  
11 with those established for other benefits within a given policy;  
12 provided, however, that a covered person shall not be required to pay an  
13 amount in excess of one hundred dollars per thirty day supply of  
14 prescription insulin regardless of the amount or type of insulin needed  
15 to fill the covered person's prescription, however nothing shall prevent  
16 an insurer from reducing such maximum amount.

17 (C) This paragraph shall not apply to a policy which covers persons  
18 employed in more than one state or the benefit structure of which was  
19 the subject of collective bargaining affecting persons employed in more  
20 than one state unless such policy is issued under the New York state  
21 health insurance plan established under article eleven of the civil  
22 service law or issued to or through a local government.

23 § 3. Subsection (u) of section 4303 of the insurance law, as amended  
24 by chapter 338 of the laws of 2003, is amended to read as follows:

25 (u) (1) A medical expense indemnity corporation or a health service  
26 corporation which provides medical coverage that includes coverage for  
27 physician services in a physician's office and every policy which  
28 provides major medical or similar comprehensive-type coverage shall  
29 include coverage for the following equipment and supplies for the treat-  
30 ment of diabetes, if recommended or prescribed by a physician or other  
31 licensed health care provider legally authorized to prescribe under  
32 title eight of the education law: blood glucose monitors and blood  
33 glucose monitors for the visually impaired, data management systems,  
34 test strips for glucose monitors and visual reading and urine testing  
35 strips, insulin, injection aids, cartridges for the visually impaired,  
36 syringes, insulin pumps and appurtenances thereto, insulin infusion  
37 devices, and oral agents for controlling blood sugar. In addition, the  
38 commissioner of the department of health shall provide and periodically  
39 update by rule or regulation a list of additional diabetes equipment and  
40 related supplies such as are medically necessary for the treatment of  
41 diabetes, for which there shall also be coverage. Such policies shall  
42 also include coverage for diabetes self-management education to ensure  
43 that persons with diabetes are educated as to the proper self-management  
44 and treatment of their diabetic condition, including information on  
45 proper diets. Such coverage for self-management education and education  
46 relating to diet shall be limited to visits medically necessary upon the  
47 diagnosis of diabetes, where a physician diagnoses a significant change  
48 in the patient's symptoms or conditions which necessitate changes in a  
49 patient's self-management, or where reeducation or refresher education  
50 is necessary. Such education may be provided by the physician or other  
51 licensed health care provider legally authorized to prescribe under  
52 title eight of the education law, or their staff, as part of an office  
53 visit for diabetes diagnosis or treatment, or by a certified diabetes  
54 nurse educator, certified nutritionist, certified dietitian or regis-  
55 tered dietitian upon the referral of a physician or other licensed  
56 health care provider legally authorized to prescribe under title eight

1 of the education law. Education provided by the certified diabetes nurse  
2 educator, certified nutritionist, certified dietitian or registered  
3 dietitian may be limited to group settings wherever practicable. Cover-  
4 age for self-management education and education relating to diet shall  
5 also include home visits when medically necessary.

6 (2) Such coverage may be subject to annual deductibles and coinsurance  
7 as may be deemed appropriate by the superintendent and as are consistent  
8 with those established for other benefits within a given policy;  
9 provided, however, that a covered person shall not be required to pay an  
10 amount in excess of one hundred dollars per thirty day supply of  
11 prescription insulin regardless of the amount or type of insulin needed  
12 to fill the covered person's prescription, however nothing shall prevent  
13 an insurer from reducing such maximum amount.

14 (3) This subsection shall not apply to a policy which covers persons  
15 employed in more than one state or the benefit structure of which was  
16 the subject of collective bargaining affecting persons employed in more  
17 than one state unless such policy is issued under the New York state  
18 health insurance plan established under article eleven of the civil  
19 service law or issued to or through a local government.

20 § 4. This act shall take effect January 1, 2020 and shall apply to all  
21 policies and contracts issued, renewed, modified, altered or amended on  
22 or after such date.