

STATE OF NEW YORK

8995

IN ASSEMBLY

January 8, 2020

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

AN ACT to amend the insurance law, in relation to policies or contracts which are not included in the definition of student accident and health insurance

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

Section 1. Subparagraph (B) of paragraph 1 of subsection (a) of section 3240 of the insurance law, as amended by chapter 461 of the laws of 2015, clause (ii) as amended by a chapter of the laws of 2019, amending the insurance law relating to policies or contracts which are not included in the definition of student accident and health insurance, as proposed in legislative bills numbers S. 6197 and A. 492, is amended to read as follows:

(B) "Student accident and health insurance" shall not include:

(i) a policy or contract that provides limited scope dental or vision benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c); ~~[or]~~

(ii) ~~[a] an accident~~ policy or contract that provides benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c), if the policy or contract ~~[is limited to insurance coverage for personal risks incident to planned travel, including sickness, accident, disability, or death occurring during travel, provided that such health benefits are not offered on a stand-alone basis and are incidental to other coverage.~~

~~(iii) an accident policy or contract that provides benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c), if the policy or contract]:~~

(I) is limited to coverage for intercollegiate sports injuries only;

(II) provides benefits to diagnose and treat any intercollegiate sports injury and does not include a benefit dollar maximum amount per injury that is less than the overall benefit dollar maximum amount per student under the intercollegiate sports injury policy or contract;

(III) provides benefits on an expense incurred basis;

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

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(IV) provides that premiums are paid in full by the institution of higher education;

(V) includes prominent disclosure to the student that the accident policy is not a substitute for comprehensive hospital and medical coverage;

(VI) provides coverage for intercollegiate sports injuries primary to any student accident and health insurance policy or contract or any student health plan issued pursuant to section one thousand one hundred twenty-four of this chapter; except that a policy or contract meeting the requirements of this item may be excess or secondary to any other policy or contract of accident and health insurance; and

(VII) includes a maximum benefit amount that is no less than the deductible under the separate athletic association policy or contract if designed to coordinate with a separate policy or contract issued to an athletic association that extends coverage for intercollegiate sports injuries;

(iii) an accident policy or contract that provides benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c)(1)(A), if the policy or contract:

(I) is limited to transportation expenses in the event an insured student incurs a covered sickness or accident, including transportation expenses for a medical escort to travel with the student and transportation expenses for returning the student to the student's domicile;

(II) provides that premiums are paid in full by the institution of higher education;

(III) covers students enrolled in the institution of higher education;

(IV) includes prominent disclosure to the student that the accident policy is not a substitute for comprehensive hospital and medical coverage; and

(V) provides coverage for a period of twelve months; or

(iv) an insurance policy, contract, or certificate that provides hospital, medical, or surgical expense coverage for a student while studying outside the United States for a period of twelve months or less that is issued to a student, provided that the student is also covered by comprehensive hospital and medical coverage within the United States and the insurance policy, contract, or certificate;

(I) is subject to the requirements of subsections (b), (c), (d), (e), (h), and (i) of this section;

(II) meets the definition of "expatriate health plan" set forth in 42 U.S.C. § 18014(d)(2);

(III) excludes coverage within the United States;

(IV) may offer coverage for global evacuation and repatriation in the event of the insured student's sickness or accident; and

(V) may offer coverage for trip cancellation, trip interruption, baggage, personal effects, or global evacuation and repatriation, including evacuation in the event of a natural or man-made disaster, such as an epidemic, political event, war, terrorist act, riot, or civil insurrection, pursuant to section three thousand four hundred fifty-two of this chapter.

§ 2. Clause (iii) of subparagraph (C) of paragraph 3 of subsection (a) of section 4237 of the insurance law, as amended by chapter 461 of the laws of 2015, is amended to read as follows:

(iii) as described in item (ii), (iii) or (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 3. Paragraphs 3, 4 and 5 of subsection (a) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, are amended to read as follows:

(3) The policy may be issued to:

(A) any railroad company, steamship company, carrier by air, public bus carrier, or other common carrier of passengers, which shall be deemed the policyholder, where the policy insures its passengers; ~~or~~

(B) an institution of higher education as provided in paragraph two of subsection (a) of section three thousand two hundred forty of this chapter; or

(C) any other group where the superintendent has determined in a regulation that the members are engaged in a common enterprise, or have an economic or social affinity or relationship, and that the issuance of the policy would not be contrary to the best interests of the public.

(4) ~~The~~ (A) Except as provided in subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter, the policy may provide coverage for trip cancellation, trip interruption, baggage, and personal effects when limited to a specific trip. The policy shall be sold in connection with transportation provided by the common carrier or, with respect to other groups as permitted by the superintendent in accordance with subparagraph ~~(+B)~~ (C) of paragraph three of this subsection, subject to such limitations provided in the regulation promulgated by the superintendent.

(B) A policy issued to an institution of higher education shall comply with clause (V) of item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

(5) Coverage under the policy shall be limited to the group member's risks with respect to a particular trip, except a policy issued to an institution of higher education shall comply with item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 4. Paragraph 1 of subsection (c) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, is amended to read as follows:

(1) Unless the group policy provides for a longer policy period, the policy shall be issued or renewed for a one-year policy period, except a policy issued to an institution of higher education shall be issued or renewed for a period consistent with item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 5. Subparagraph (B) of paragraph 7 of subsection (c) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, is amended to read as follows:

(B) The coverage shall terminate as provided in the certificate, which shall in no event be later than the conclusion of the trip, except coverage under a policy issued to an institution of higher education as provided in item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter shall terminate in accordance with the provisions of that section.

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the insurance law relating to policies or contracts which are not included in the definition of student accident and health insurance, as proposed in legislative bills numbers S. 6197 and A. 492, takes effect.