STATE OF NEW YORK

3015

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring prescription drug coverage to include such supplements and vitamins, medical foods, and other medications as shall be deemed necessary to mitigate and/or treat the symptoms of mitochondrial disease

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

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

(35) (A) Every policy which provides coverage for prescription drugs shall include coverage for the cost of such supplements and vitamins, medical foods, and other medications used to treat the symptoms associated with mitochondrial disease as a physician shall deem necessary to mitigate and/or treat the symptoms of such mitochondrial disease diagnosed through clinical assessment, muscle biopsy, biochemical testing or genetic testing in a covered person.

(B) Such coverage may be subject to such annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within the policy.

§ 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) (A) Every group or blanket policy delivered or issued for delivery in this state that provides coverage for prescription drugs shall include coverage for the cost of such supplements and vitamins, medical foods, and other medications used to treat the symptoms associated with mitochondrial disease as a physician shall deem necessary to mitigate and/or treat the symptoms of such mitochondrial disease diagnosed through clinical assessment, muscle biopsy, biochemical testing or genetic testing in a covered person.

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

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(B) Such coverage may be subject to such annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within the policy.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (ss) to read as follows:

(ss) (1) Every contract issued by a corporation subject to the provisions of this article which provides coverage for prescription drugs shall include coverage for the cost of such supplements and vitamins, medical foods, and other medications used to treat the symptoms associated with mitochondrial disease as a physician shall deem necessary to mitigate and/or treat the symptoms of such mitochondrial disease diagnosed through clinical assessment, muscle biopsy, biochemical testing or genetic testing in a covered person.

(2) Such coverage may be subject to such annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within the contract.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies and contracts issued, reissued, renewed, modified or amended on or after such date.