

# STATE OF NEW YORK

3101

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

Introduced by Sen. BIAGGI -- 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 coverage for eating disorders

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

1 Section 1. Subparagraph (B) of paragraph 5 of subsection (1) of  
2 section 3221 of the insurance law, as amended by chapter 502 of the laws  
3 of 2007, is amended to read as follows:

4 (B) (i) Every insurer delivering a group or school blanket policy or  
5 issuing a group or school blanket policy for delivery, in this state,  
6 which provides coverage for inpatient hospital care or coverage for  
7 physician services, shall provide comparable coverage for adults and  
8 children with biologically based mental illness. Such group policies  
9 issued or delivered in this state shall also provide such comparable  
10 coverage for children with serious emotional disturbances. Such coverage  
11 shall be provided under the terms and conditions otherwise applicable  
12 under the policy, including network limitations or variations, exclu-  
13 sions, co-pays, coinsurance, deductibles or other specific cost sharing  
14 mechanisms. Provided further, where a policy provides both in-network  
15 and out-of-network benefits, the out-of-network benefits may have  
16 different coinsurance, co-pays, or deductibles, than the in-network  
17 benefits, regardless of whether the policy is written under one license  
18 or two licenses.

19 (ii) For purposes of this paragraph, the term "biologically based  
20 mental illness" means a mental, nervous, or emotional condition that is  
21 caused by a biological disorder of the brain and results in a clinically  
22 significant, psychological syndrome or pattern that substantially limits  
23 the functioning of the person with the illness. Such biologically based  
24 mental illnesses are defined as schizophrenia/psychotic disorders, major  
25 depression, bipolar disorder, delusional disorders, panic disorder,

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

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1 obsessive compulsive disorders[~~, bulimia, and anorexia~~] or an eating  
2 disorder.

3 (iii) For purposes of this paragraph, the term "eating disorder" means  
4 pica, rumination disorder, avoidant/restrictive food intake disorder,  
5 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-  
6 fied feeding or eating disorder, and any other eating disorder contained  
7 in the most recent version of the Diagnostic and Statistical Manual of  
8 Mental Disorders published by the American Psychiatric Association.

9 § 2. Paragraph 2 of subsection (g) of section 4303 of the insurance  
10 law, as amended by chapter 502 of the laws of 2007, is amended to read  
11 as follows:

12 (2) (A) A hospital service corporation or a health service corpo-  
13 ration, which provides group, group remittance or school blanket cover-  
14 age for inpatient hospital care, shall provide comparable coverage for  
15 adults and children with biologically based mental illness. Such hospi-  
16 tal service corporation or health service corporation shall also provide  
17 such comparable coverage for children with serious emotional disturb-  
18 ances. Such coverage shall be provided under the terms and conditions  
19 otherwise applicable under the contract, including network limitations  
20 or variations, exclusions, co-pays, coinsurance, deductibles or other  
21 specific cost sharing mechanisms. Provided further, where a contract  
22 provides both in-network and out-of-network benefits, the out-of-network  
23 benefits may have different coinsurance, co-pays, or deductibles, than  
24 the in-network benefits, regardless of whether the contract is written  
25 under one license or two licenses.

26 (B) For purposes of this subsection, the term "biologically based  
27 mental illness" means a mental, nervous, or emotional condition that is  
28 caused by a biological disorder of the brain and results in a clinically  
29 significant, psychological syndrome or pattern that substantially limits  
30 the functioning of the person with the illness. Such biologically based  
31 mental illnesses are defined as schizophrenia/psychotic disorders, major  
32 depression, bipolar disorder, delusional disorders, panic disorder,  
33 obsessive compulsive disorders[~~, anorexia, and bulimia~~] or an eating  
34 disorder.

35 (C) For purposes of this subsection, the term "eating disorder" means  
36 pica, rumination disorder, avoidant/restrictive food intake disorder,  
37 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-  
38 fied feeding or eating disorder, and any other eating disorder contained  
39 in the most recent version of the Diagnostic and Statistical Manual of  
40 Mental Disorders published by the American Psychiatric Association.

41 § 3. Paragraph 2 of subsection (h) of section 4303 of the insurance  
42 law, as amended by chapter 502 of the laws of 2007, is amended to read  
43 as follows:

44 (2) (A) A medical expense indemnity corporation or a health service  
45 corporation, which provides group, group remittance or school blanket  
46 coverage for physician services, shall provide comparable coverage for  
47 adults and children with biologically based mental illness. Such medical  
48 expense indemnity corporation or health service corporation shall also  
49 provide such comparable coverage for children with serious emotional  
50 disturbances. Such coverage shall be provided under the terms and condi-  
51 tions otherwise applicable under the contract, including network limita-  
52 tions or variations, exclusions, co-pays, coinsurance, deductibles or  
53 other specific cost sharing mechanisms. Provided further, where a  
54 contract provides both in-network and out-of-network benefits, the out-  
55 of-network benefits may have different coinsurance, co-pays, or deduct-

1 ibles, than the in-network benefits, regardless of whether the contract  
2 is written under one license or two licenses.

3 (B) For purposes of this subsection, the term "biologically based  
4 mental illness" means a mental, nervous, or emotional condition that is  
5 caused by a biological disorder of the brain and results in a clinically  
6 significant, psychological syndrome or pattern that substantially limits  
7 the functioning of the person with the illness. Such biologically based  
8 mental illnesses are defined as schizophrenia/psychotic disorders, major  
9 depression, bipolar disorder, delusional disorders, panic disorder,  
10 obsessive compulsive disorder[~~, anorexia, and bulimia~~] or an eating  
11 disorder.

12 (C) For purposes of this subsection, the term "eating disorder" means  
13 pica, rumination disorder, avoidant/restrictive food intake disorder,  
14 anorexia nervosa, bulimia nervosa, binge eating disorder, other speci-  
15 fied feeding or eating disorder, and any other eating disorder contained  
16 in the most recent version of the Diagnostic and Statistical Manual of  
17 Mental Disorders published by the American Psychiatric Association.

18 § 4. This act shall take effect on the ninetieth day after it shall  
19 have become a law; provided, however, that the provisions of this act  
20 shall apply to policies and contracts issued, renewed, modified, altered  
21 or amended on or after such effective date.