

STATE OF NEW YORK

3251

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sens. PARKER, ADDABBO, BAILEY, KENNEDY, MONTGOMERY,
PERSAUD -- 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 establishing an advisory panel on health insurance coverage for autism spectrum disorder

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

1 Section 1. The insurance law is amended by adding a new section 343
2 to read as follows:

3 § 343. Coverage for autism spectrum disorder. (a) (1) There is hereby
4 established within the department an advisory panel on health insurance
5 coverage for autism spectrum disorder. Such panel shall be composed of
6 nine members who are experts in health care and appointed as follows:
7 seven members who are officers or employees of the department of health,
8 office of mental health or the office for people with developmental
9 disabilities shall be appointed by the governor; and the temporary pres-
10 ident of the senate and the speaker of the assembly shall each appoint a
11 member who is a representative of an autism advocacy group. Each member
12 shall serve a term of two years. The governor shall designate the chair
13 of the panel from among his or her appointees. Vacancies in the member-
14 ship of the panel shall be filled in the manner provided for original
15 appointments.

16 (2) The members of the panel shall receive no compensation for their
17 services but shall be allowed their actual and necessary expenses
18 incurred in the performance of their duties pursuant to this subsection.

19 (3) The advisory panel on health insurance coverage for autism spec-
20 trum disorder shall annually, on or before September first, compile and
21 submit to the superintendent a list of successful treatment and therapy
22 options for autism spectrum disorder that will be required to be covered
23 pursuant to paragraph twenty-five of subsection (i) of section three
24 thousand two hundred sixteen, paragraph seventeen of subsection (1) of

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

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1 section three thousand two hundred twenty-one and subsection (ee) of
2 section four thousand three hundred three of this chapter.

3 (4) Within forty-five days of receipt of each list submitted pursuant
4 to paragraph three of this subsection, the superintendent shall, on an
5 emergency basis, promulgate and implement rules and regulations requir-
6 ing coverage for the treatment and therapy options included in each such
7 list.

8 (b) (1) Within one hundred eighty days of the submission of the
9 initial list to the superintendent pursuant to paragraph three of
10 subsection (a) of this section, the department shall establish and oper-
11 ate an autism and health insurance coverage hotline. The hotline shall
12 be a toll-free, twenty-four hour a day consumer call center for families
13 with autistic children who have complaints about or questions on insur-
14 ers and coverage for autism spectrum disorder. All complaints received
15 by such hotline shall be documented and referred to the appropriate
16 official in the department for corrective action.

17 (2) The department may contract with a qualified not-for-profit corpo-
18 ration for the provision and operation of the hotline required by this
19 subsection. Any such contract shall only be awarded after the department
20 has conducted a request for proposals process. The department shall
21 select a not-for-profit corporation which has the resources and ability
22 to operate a statewide hotline, and is staffed by employees and/or
23 volunteers with strong experience in autism spectrum disorder.

24 (3) If the department elects to establish and operate the hotline
25 using its own personnel and resources, such hotline shall be staffed by
26 officers and employees with strong experience in autism spectrum disor-
27 der. Until the state civil service commission shall have established
28 civil service titles and competitive examinations for positions as
29 employees of the hotline, the superintendent is authorized and directed
30 to appoint and employ such qualified officers and employees as shall be
31 necessary to operate the autism and health insurance coverage hotline.

32 (4) The superintendent is authorized to promulgate and implement any
33 rules and regulations necessary to carry out the provisions of this
34 subsection.

35 § 2. Subparagraphs (A) and (B) of paragraph 25 of subsection (i) of
36 section 3216 of the insurance law, subparagraph (A) as amended by chap-
37 ter 595 of the laws of 2011, and subparagraph (B) as amended by section
38 38 of part D of chapter 56 of the laws of 2013, are amended to read as
39 follows:

40 (A) Every policy which provides coverage for hospital or surgical
41 coverage shall [~~not-exclude~~] include full coverage for the prevention,
42 early detection, screening, diagnosis and treatment of [~~medical condi-~~
43 ~~tions otherwise covered by the policy solely because the treatment is~~
44 ~~provided to diagnose or treat~~] autism spectrum disorder.

45 (B) Every policy that provides physician services, medical, major
46 medical or similar comprehensive-type coverage shall provide full cover-
47 age for the screening, diagnosis and treatment of autism spectrum disor-
48 der in accordance with this paragraph and shall not exclude coverage for
49 the prevention, early detection, screening, diagnosis or treatment of
50 medical conditions otherwise covered by the policy because the individ-
51 ual is diagnosed with autism spectrum disorder. Such coverage may be
52 subject to annual deductibles, copayments and coinsurance as may be
53 deemed appropriate by the superintendent and shall be consistent with
54 those imposed on other benefits under the policy. Coverage for applied
55 behavior analysis shall be subject to a maximum benefit of six hundred
56 eighty hours of treatment per policy or calendar year per covered indi-

1 vidual. This paragraph shall not be construed as limiting the benefits
2 that are otherwise available to an individual under the policy, provided
3 however that such policy shall not contain any limitations on visits
4 that are solely applied to the treatment of autism spectrum disorder. No
5 insurer shall terminate coverage or refuse to deliver, execute, issue,
6 amend, adjust, or renew coverage to an individual solely because the
7 individual is diagnosed with autism spectrum disorder or has received
8 treatment for autism spectrum disorder. Coverage shall be subject to
9 utilization review and external appeals of health care services pursuant
10 to article forty-nine of this chapter as well as, case management, and
11 other managed care provisions.

12 § 3. Subparagraphs (A) and (B) of paragraph 17 of subsection (l) of
13 section 3221 of the insurance law, subparagraph (A) as amended by chap-
14 ter 595 of the laws of 2011, subparagraph (B) as amended by section 39
15 of part D of chapter 56 of the laws of 2013, are amended to read as
16 follows:

17 (A) Every group or blanket accident and health insurance policy deliv-
18 ered or issued for delivery in this state which provides coverage for
19 hospital or surgical care coverage shall [~~not-exclude~~] include full
20 coverage for the prevention, early detection, screening, diagnosis and
21 treatment of medical conditions otherwise covered by the policy because
22 the treatment is provided to diagnose or treat autism spectrum disorder.

23 (B) Every group or blanket policy that provides physician services,
24 medical, major medical or similar comprehensive-type coverage shall
25 provide full coverage for the prevention, early detection, screening,
26 diagnosis and treatment of autism spectrum disorder in accordance with
27 this paragraph and shall not exclude coverage for the screening, diagno-
28 sis or treatment of medical conditions otherwise covered by the policy
29 because the individual is diagnosed with autism spectrum disorder. Such
30 coverage may be subject to annual deductibles, copayments and coinsu-
31 rance as may be deemed appropriate by the superintendent and shall be
32 consistent with those imposed on other benefits under the group or blan-
33 ket policy. Coverage for applied behavior analysis shall be subject to a
34 maximum benefit of six hundred eighty hours of treatment per policy or
35 calendar year per covered individual. This paragraph shall not be
36 construed as limiting the benefits that are otherwise available to an
37 individual under the group or blanket policy, provided however that such
38 policy shall not contain any limitations on visits that are solely
39 applied to the treatment of autism spectrum disorder. No insurer shall
40 terminate coverage or refuse to deliver, execute, issue, amend, adjust,
41 or renew coverage to an individual solely because the individual is
42 diagnosed with autism spectrum disorder or has received treatment for
43 autism spectrum disorder. Coverage shall be subject to utilization
44 review and external appeals of health care services pursuant to article
45 forty-nine of this chapter as well as, case management, and other
46 managed care provisions.

47 § 4. Subsection (ee) of section 4303 of the insurance law, as amended
48 by chapter 596 of the laws of 2011 and paragraph 2 as amended by section
49 40 of part D of chapter 56 of the laws of 2013, is amended to read as
50 follows:

51 (ee) (1) A medical expense indemnity corporation, a hospital service
52 corporation or a health service corporation which provides coverage for
53 hospital or surgical care coverage shall [~~not-exclude~~] include full
54 coverage for the prevention, early detection, screening, diagnosis and
55 treatment of medical conditions otherwise covered by the contract solely

1 because the treatment is provided to diagnose or treat autism spectrum
2 disorder.

3 (2) Every contract that provides physician services, medical, major
4 medical or similar comprehensive-type coverage shall provide coverage
5 for the screening, diagnosis and treatment of autism spectrum disorder
6 in accordance with this paragraph and shall not exclude full coverage
7 for the prevention, early detection, screening, diagnosis or treatment
8 of medical conditions otherwise covered by the contract because the
9 individual is diagnosed with autism spectrum disorder. Such coverage may
10 be subject to annual deductibles, copayments and coinsurance as may be
11 deemed appropriate by the superintendent and shall be consistent with
12 those imposed on other benefits under the contract. Coverage for applied
13 behavior analysis shall be subject to a maximum benefit of six hundred
14 eighty hours of treatment per contract or calendar year per covered
15 individual. This paragraph shall not be construed as limiting the bene-
16 fits that are otherwise available to an individual under the contract,
17 provided however that such contract shall not contain any limitations on
18 visits that are solely applied to the treatment of autism spectrum
19 disorder. No insurer shall terminate coverage or refuse to deliver,
20 execute, issue, amend, adjust, or renew coverage to an individual solely
21 because the individual is diagnosed with autism spectrum disorder or has
22 received treatment for autism spectrum disorder. Coverage shall be
23 subject to utilization review and external appeals of health care
24 services pursuant to article forty-nine of this chapter as well as, case
25 management, and other managed care provisions.

26 § 5. This act shall take effect on the thirtieth day after it shall
27 have become a law.