STATE OF NEW YORK

2871

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to mandating certain testing in connection with pregnancy and fertility treatment; and to amend the insurance law, in relation to requiring insurance policies to provide coverage for certain testing in connection with fertility treatment

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

Section 1. The public health law is amended by adding a new section 2500-l to read as follows:

§ 2500-l. Prenatal and antenatal testing. 1. Every physician or other authorized practitioner attending a pregnant woman shall examine and test such woman for an incompetent cervix.

2. Every physician or other authorized practitioner attending a woman who has advised such physician or practitioner that (i) she is attempting to become pregnant and (ii) she has a history of miscarriage or is undergoing fertility treatment, shall examine and test such woman for an incompetent cervix.

§ 2. Item (ii) of subparagraph (A) and item (ii) of subparagraph (B) of paragraph 6 of subsection (k) of section 3221 of the insurance law, as amended by section 1 of part K of chapter 82 of the laws of 2002, are amended to read as follows:

(ii) provided, further however, that subject to the provisions of subparagraph (C) of this paragraph, in no case shall such coverage exclude diagnostic tests and procedures provided as part of such hospital care that are necessary to determine infertility or that are necessary in connection with any surgical or medical treatments or prescription drug coverage provided pursuant to this paragraph, including such diagnostic tests and procedures as hysterosalpingogram, hysteroscopy, endometrial biopsy, laparoscopy, sono-hysterogram, post coital

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

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tests, testis biopsy, semen analysis, blood tests**, testing for an incompetent cervix** and ultrasound; and

(ii) provided, further however, that subject to the provisions of subparagraph (C) of this paragraph, in no case shall such coverage exclude diagnostic tests and procedures that are necessary to determine infertility or that are necessary in connection with any surgical or medical treatments or prescription drug coverage provided pursuant to this paragraph, including such diagnostic tests and procedures as hysterosalpingogram, hysteroscopy, endometrial biopsy, laparoscopy, sono-hysterogram, post coital tests, testis biopsy, semen analysis, blood tests**, testing for an incompetent cervix** and ultrasound; and

§ 3. Subparagraph (B) of paragraph 1 and subparagraph (B) of paragraph 2 of subsection (s) of section 4303 of the insurance law, as amended by section 2 of part K of chapter 82 of the laws of 2002, are amended to read as follows:

(B) provided, further however, that subject to the provisions of paragraph three of this subsection, in no case shall such coverage exclude diagnostic tests and procedures provided as part of such hospital care that are necessary to determine infertility or that are necessary in connection with any surgical or medical treatments or prescription drug coverage provided pursuant to this subsection, including such diagnostic tests and procedures as hysterosalpingogram, hysteroscopy, endometrial biopsy, laparoscopy, sono-hysterogram, post coital tests, testis biopsy, semen analysis, blood tests**, testing for an incompetent cervix** and ultrasound; and

(B) provided, further however, that subject to the provisions of paragraph three of this subsection, in no case shall such coverage exclude diagnostic tests and procedures that are necessary to determine infertility or that are necessary in connection with any surgical or medical treatments or prescription drug coverage provided pursuant to this subsection, including such diagnostic tests and procedures as hysterosalpingogram, hysteroscopy, endometrial biopsy, laparoscopy, sono-hysterogram, post coital tests, testis biopsy, semen analysis, blood tests**, testing for an incompetent cervix** and ultrasound; and

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.