

# STATE OF NEW YORK

2925

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. KIM, BRONSON, LUPARDO, D'URSO -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for acupuncture services

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

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

3 (35) Every policy issued within the health benefit exchange estab-  
4 lished pursuant to section 1311 of the affordable care act, 42 U.S.C. §  
5 18031, shall provide coverage for acupuncture treatment as defined in  
6 section eight thousand two hundred eleven of the education law provided  
7 by an individual licensed, authorized, or certified pursuant to article  
8 one hundred sixty of the education law. However, acupuncture treatment  
9 and services may be subject to reasonable deductible, co-payment and  
10 co-insurance amount, reasonable fee or benefit limits, and reasonable  
11 utilization review, provided that any such amounts, limits or review  
12 shall be no greater than other essential health benefits covered by the  
13 policy and provided further that any such amounts, limits, or review  
14 shall not function to direct treatment in a manner discriminative  
15 against acupuncture treatment. Nothing herein shall be construed as  
16 impeding or preventing either the provision or coverage of acupuncture  
17 treatment and services by duly licensed or certified acupuncturist,  
18 within the lawful scope of the practice of acupuncture, in hospital  
19 facilities on a staff or employee basis.

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

22 (ss) Every policy issued within the health benefit exchange estab-  
23 lished pursuant to section 1311 of the affordable care act, 42 U.S.C. §  
24 18031, shall provide coverage for acupuncture treatment as defined in  
25 section eight thousand two hundred eleven of the education law provided

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

LBD03865-01-9

1 by an individual licensed, authorized, or certified pursuant to article  
2 one hundred sixty of the education law. However, acupuncture treatment  
3 and services may be subject to reasonable deductible, co-payment and  
4 co-insurance amount, reasonable fee or benefit limits, and reasonable  
5 utilization review, provided that any such amounts, limits or review  
6 shall be no greater than other essential health benefits covered by the  
7 policy and provided further that any such amounts, limits, or review  
8 shall not function to direct treatment in a manner discriminative  
9 against acupuncture treatment. Nothing herein shall be construed as  
10 impeding or preventing either the provision or coverage of acupuncture  
11 treatment and services by duly licensed or certified acupuncturists,  
12 within the lawful scope of the practice of acupuncture, in hospital  
13 facilities on a staff or employees basis.

14 § 3. This act shall take effect on the ninetieth day after it shall  
15 have become a law and shall apply to policies and contracts issued,  
16 renewed, modified, altered or amended on or after such effective date.