

# STATE OF NEW YORK

6286

2019-2020 Regular Sessions

## IN ASSEMBLY

March 4, 2019

Introduced by M. of A. CRESPO, RAIA, RIVERA, PALMESANO -- Multi-Sponsored by -- M. of A. ARROYO, DAVILA, JOYNER, LAVINE, PICHARDO, RODRIGUEZ -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for prosthetic devices

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 which provides medical, major medical, or similar  
4 comprehensive type coverage shall provide coverage for prosthetic  
5 devices, including repairs and replacements, that are intended for  
6 medically necessary rehabilitative and habilitative purposes as required  
7 by 42 U.S.C. § 18022. As such, prosthetic device coverage shall be  
8 subject to annual deductibles and coinsurance as deemed appropriate by  
9 the superintendent in amounts no greater than other essential health  
10 benefits covered by the policy. The term "prosthetic device" as used in  
11 this paragraph includes an artificial limb and all the components and  
12 related services that comprise prosthetic care but shall not include  
13 shoes or any other article considered as ordinary wearing apparel,  
14 whether or not specially constructed. The term "policy holder" as used  
15 in this paragraph shall mean a veteran of the armed forces who resides  
16 in the state of New York and whose medical need for such prosthetic  
17 device resulted from an injury suffered in the line of duty while serv-  
18 ing in the armed forces.

19 § 2. Subsection (l) of section 3221 of the insurance law is amended by  
20 adding a new paragraph 21 to read as follows:

21 (21) Every policy which provides medical, major medical, or similar  
22 comprehensive type coverage shall provide coverage for prosthetic  
23 devices, including repairs and replacements, that are intended for  
24 medically necessary rehabilitative and habilitative purposes as required

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

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1 by 42 U.S.C. § 18022. As such, prosthetic device coverage shall be  
2 subject to annual deductibles and coinsurance as deemed appropriate by  
3 the superintendent in amounts no greater than other essential health  
4 benefits covered by the policy. The term "prosthetic device" as used in  
5 this paragraph includes an artificial limb and all the components and  
6 related services that comprise prosthetic care but shall not include  
7 shoes or any other article considered as ordinary wearing apparel,  
8 whether or not specially constructed. The term "policy holder" as used  
9 in this paragraph shall mean a veteran of the armed forces who resides  
10 in the state of New York and whose medical need for such prosthetic  
11 device resulted from an injury suffered in the line of duty while serv-  
12 ing in the armed forces.

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

15 (ss) Every policy which provides medical, major medical, or similar  
16 comprehensive type coverage shall provide coverage for prosthetic  
17 devices, including repairs and replacements, that are intended for  
18 medically necessary rehabilitative and habilitative purposes as required  
19 by 42 U.S.C. § 18022. As such, prosthetic device coverage shall be  
20 subject to annual deductibles and coinsurance as deemed appropriate by  
21 the superintendent in amounts no greater than other essential health  
22 benefits covered by the policy. The term "prosthetic device" as used in  
23 this subsection includes an artificial limb and all of the components  
24 and related services that comprise prosthetic care but shall not include  
25 shoes or any other article considered as ordinary wearing apparel,  
26 whether or not specially constructed. The term "policy holder" as used  
27 in this subsection shall mean a veteran of the armed forces who resides  
28 in the state of New York and whose medical need for such prosthetic  
29 device resulted from an injury suffered in the line of duty while serv-  
30 ing in the armed forces.

31 § 4. This act shall take effect on the ninetieth day after it shall  
32 have become a law and shall apply to policies and contracts issued,  
33 renewed, altered, or amended on or after such effective date.