

# STATE OF NEW YORK

6610

2019-2020 Regular Sessions

## IN ASSEMBLY

March 14, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring prescription drug coverage to include such supplements and vitamins, medical foods, and other medications as shall be deemed necessary to mitigate and/or treat the symptoms of mitochondrial disease

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) (A) Every policy which provides coverage for prescription drugs  
4 shall include coverage for the cost of such supplements and vitamins,  
5 medical foods, and other medications used to treat the symptoms associ-  
6 ated with mitochondrial disease as a physician shall deem necessary to  
7 mitigate and/or treat the symptoms of such mitochondrial disease diag-  
8 nosed through clinical assessment, muscle biopsy, biochemical testing or  
9 genetic testing in a covered person.

10 (B) Such coverage may be subject to such annual deductibles and coin-  
11 surance as may be deemed appropriate by the superintendent and as are  
12 consistent with those established for other benefits within the policy.

13 § 2. Subsection (k) of section 3221 of the insurance law is amended by  
14 adding a new paragraph 22 to read as follows:

15 (22) (A) Every group or blanket policy delivered or issued for deliv-  
16 ery in this state that provides coverage for prescription drugs shall  
17 include coverage for the cost of such supplements and vitamins, medical  
18 foods, and other medications used to treat the symptoms associated with  
19 mitochondrial disease as a physician shall deem necessary to mitigate  
20 and/or treat the symptoms of such mitochondrial disease diagnosed  
21 through clinical assessment, muscle biopsy, biochemical testing or  
22 genetic testing in a covered person.

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

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1     (B) Such coverage may be subject to such annual deductibles and coin-  
2     surance as may be deemed appropriate by the superintendent and as are  
3     consistent with those established for other benefits within the policy.

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

6     (ss) (1) Every contract issued by a corporation subject to the  
7     provisions of this article which provides coverage for prescription  
8     drugs shall include coverage for the cost of such supplements and vita-  
9     mins, medical foods, and other medications used to treat the symptoms  
10    associated with mitochondrial disease as a physician shall deem neces-  
11    sary to mitigate and/or treat the symptoms of such mitochondrial disease  
12    diagnosed through clinical assessment, muscle biopsy, biochemical test-  
13    ing or genetic testing in a covered person.

14    (2) Such coverage may be subject to such annual deductibles and coin-  
15    surance as may be deemed appropriate by the superintendent and as are  
16    consistent with those established for other benefits within the  
17    contract.

18    § 4. This act shall take effect on the first of January next succeed-  
19    ing the date on which it shall have become a law and shall apply to  
20    policies and contracts issued, reissued, renewed, modified or amended on  
21    or after such date.