

# STATE OF NEW YORK

1884

2019-2020 Regular Sessions

## IN SENATE

January 17, 2019

Introduced by Sen. O'MARA -- 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 policies or contracts which are not included in the definition of student accident and health insurance

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

1 Section 1. Clause (ii) of subparagraph (B) of paragraph 1 of  
2 subsection (a) of section 3240 of the insurance law, as amended by chap-  
3 ter 461 of the laws of 2015, is amended to read as follows:

4 (ii) ~~[an accident]~~ a policy or contract that provides benefits meeting  
5 the definition of "excepted benefits" set forth in section 2791 of the  
6 public health service act, 42 U.S.C. § 300gg-91(c), if the policy or  
7 contract is limited to insurance coverage for personal risks incident to  
8 planned travel, including sickness, accident, disability, or death  
9 occurring during travel, provided that such health benefits are not  
10 offered on a stand-alone basis and are incidental to other coverage.

11 (iii) an accident policy or contract that provides benefits meeting  
12 the definition of "excepted benefits" set forth in section 2791 of the  
13 public health service act, 42 U.S.C. § 300gg-91(c), if the policy or  
14 contract:

15 (I) is limited to coverage for intercollegiate sports injuries only;

16 (II) provides benefits to diagnose and treat any intercollegiate  
17 sports injury and does not include a benefit dollar maximum amount per  
18 injury that is less than the overall benefit dollar maximum amount per  
19 student under the intercollegiate sports injury policy or contract;

20 (III) provides benefits on an expense incurred basis;

21 (IV) provides that premiums are paid in full by the institution of  
22 higher education;

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

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1 (V) includes prominent disclosure to the student that the accident  
2 policy is not a substitute for comprehensive hospital and medical cover-  
3 age;

4 (VI) provides coverage for intercollegiate sports injuries primary to  
5 any student accident and health insurance policy or contract or any  
6 student health plan issued pursuant to section one thousand one hundred  
7 twenty-four of this chapter; except that a policy or contract meeting  
8 the requirements of this item may be excess or secondary to any other  
9 policy or contract of accident and health insurance; and

10 (VII) includes a maximum benefit amount that is no less than the  
11 deductible under the separate athletic association policy or contract if  
12 designed to coordinate with a separate policy or contract issued to an  
13 athletic association that extends coverage for intercollegiate sports  
14 injuries.

15 § 2. This act shall take effect immediately.