

# STATE OF NEW YORK

3251

2019-2020 Regular Sessions

## IN SENATE

February 5, 2019

Introduced by Sens. PARKER, ADDABBO, BAILEY, KENNEDY, MONTGOMERY,  
PERSAUD -- 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 establishing an advisory panel on health insurance coverage for autism spectrum disorder

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

1 Section 1. The insurance law is amended by adding a new section 343  
2 to read as follows:

3 § 343. Coverage for autism spectrum disorder. (a) (1) There is hereby  
4 established within the department an advisory panel on health insurance  
5 coverage for autism spectrum disorder. Such panel shall be composed of  
6 nine members who are experts in health care and appointed as follows:  
7 seven members who are officers or employees of the department of health,  
8 office of mental health or the office for people with developmental  
9 disabilities shall be appointed by the governor; and the temporary pres-  
10 ident of the senate and the speaker of the assembly shall each appoint a  
11 member who is a representative of an autism advocacy group. Each member  
12 shall serve a term of two years. The governor shall designate the chair  
13 of the panel from among his or her appointees. Vacancies in the member-  
14 ship of the panel shall be filled in the manner provided for original  
15 appointments.

16 (2) The members of the panel shall receive no compensation for their  
17 services but shall be allowed their actual and necessary expenses  
18 incurred in the performance of their duties pursuant to this subsection.

19 (3) The advisory panel on health insurance coverage for autism spec-  
20 trum disorder shall annually, on or before September first, compile and  
21 submit to the superintendent a list of successful treatment and therapy  
22 options for autism spectrum disorder that will be required to be covered  
23 pursuant to paragraph twenty-five of subsection (i) of section three  
24 thousand two hundred sixteen, paragraph seventeen of subsection (1) of

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

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1 section three thousand two hundred twenty-one and subsection (ee) of  
2 section four thousand three hundred three of this chapter.

3 (4) Within forty-five days of receipt of each list submitted pursuant  
4 to paragraph three of this subsection, the superintendent shall, on an  
5 emergency basis, promulgate and implement rules and regulations requir-  
6 ing coverage for the treatment and therapy options included in each such  
7 list.

8 (b) (1) Within one hundred eighty days of the submission of the  
9 initial list to the superintendent pursuant to paragraph three of  
10 subsection (a) of this section, the department shall establish and oper-  
11 ate an autism and health insurance coverage hotline. The hotline shall  
12 be a toll-free, twenty-four hour a day consumer call center for families  
13 with autistic children who have complaints about or questions on insur-  
14 ers and coverage for autism spectrum disorder. All complaints received  
15 by such hotline shall be documented and referred to the appropriate  
16 official in the department for corrective action.

17 (2) The department may contract with a qualified not-for-profit corpo-  
18 ration for the provision and operation of the hotline required by this  
19 subsection. Any such contract shall only be awarded after the department  
20 has conducted a request for proposals process. The department shall  
21 select a not-for-profit corporation which has the resources and ability  
22 to operate a statewide hotline, and is staffed by employees and/or  
23 volunteers with strong experience in autism spectrum disorder.

24 (3) If the department elects to establish and operate the hotline  
25 using its own personnel and resources, such hotline shall be staffed by  
26 officers and employees with strong experience in autism spectrum disor-  
27 der. Until the state civil service commission shall have established  
28 civil service titles and competitive examinations for positions as  
29 employees of the hotline, the superintendent is authorized and directed  
30 to appoint and employ such qualified officers and employees as shall be  
31 necessary to operate the autism and health insurance coverage hotline.

32 (4) The superintendent is authorized to promulgate and implement any  
33 rules and regulations necessary to carry out the provisions of this  
34 subsection.

35 § 2. Subparagraphs (A) and (B) of paragraph 25 of subsection (i) of  
36 section 3216 of the insurance law, subparagraph (A) as amended by chap-  
37 ter 595 of the laws of 2011, and subparagraph (B) as amended by section  
38 38 of part D of chapter 56 of the laws of 2013, are amended to read as  
39 follows:

40 (A) Every policy which provides coverage for hospital or surgical  
41 coverage shall [~~not exclude~~] include full coverage for the prevention,  
42 early detection, screening, diagnosis and treatment of [~~medical condi-~~  
43 ~~tions otherwise covered by the policy solely because the treatment is~~  
44 ~~provided to diagnose or treat~~] autism spectrum disorder.

45 (B) Every policy that provides physician services, medical, major  
46 medical or similar comprehensive-type coverage shall provide full cover-  
47 age for the screening, diagnosis and treatment of autism spectrum disor-  
48 der in accordance with this paragraph and shall not exclude coverage for  
49 the prevention, early detection, screening, diagnosis or treatment of  
50 medical conditions otherwise covered by the policy because the individ-  
51 ual is diagnosed with autism spectrum disorder. Such coverage may be  
52 subject to annual deductibles, copayments and coinsurance as may be  
53 deemed appropriate by the superintendent and shall be consistent with  
54 those imposed on other benefits under the policy. Coverage for applied  
55 behavior analysis shall be subject to a maximum benefit of six hundred  
56 eighty hours of treatment per policy or calendar year per covered indi-

1 vidual. This paragraph shall not be construed as limiting the benefits  
2 that are otherwise available to an individual under the policy, provided  
3 however that such policy shall not contain any limitations on visits  
4 that are solely applied to the treatment of autism spectrum disorder. No  
5 insurer shall terminate coverage or refuse to deliver, execute, issue,  
6 amend, adjust, or renew coverage to an individual solely because the  
7 individual is diagnosed with autism spectrum disorder or has received  
8 treatment for autism spectrum disorder. Coverage shall be subject to  
9 utilization review and external appeals of health care services pursuant  
10 to article forty-nine of this chapter as well as, case management, and  
11 other managed care provisions.

12 § 3. Subparagraphs (A) and (B) of paragraph 17 of subsection (l) of  
13 section 3221 of the insurance law, subparagraph (A) as amended by chap-  
14 ter 595 of the laws of 2011, subparagraph (B) as amended by section 39  
15 of part D of chapter 56 of the laws of 2013, are amended to read as  
16 follows:

17 (A) Every group or blanket accident and health insurance policy deliv-  
18 ered or issued for delivery in this state which provides coverage for  
19 hospital or surgical care coverage shall [~~not-exclude~~] include full  
20 coverage for the prevention, early detection, screening, diagnosis and  
21 treatment of medical conditions otherwise covered by the policy because  
22 the treatment is provided to diagnose or treat autism spectrum disorder.

23 (B) Every group or blanket policy that provides physician services,  
24 medical, major medical or similar comprehensive-type coverage shall  
25 provide full coverage for the prevention, early detection, screening,  
26 diagnosis and treatment of autism spectrum disorder in accordance with  
27 this paragraph and shall not exclude coverage for the screening, diagno-  
28 sis or treatment of medical conditions otherwise covered by the policy  
29 because the individual is diagnosed with autism spectrum disorder. Such  
30 coverage may be subject to annual deductibles, copayments and coinsu-  
31 rance as may be deemed appropriate by the superintendent and shall be  
32 consistent with those imposed on other benefits under the group or blan-  
33 ket policy. Coverage for applied behavior analysis shall be subject to a  
34 maximum benefit of six hundred eighty hours of treatment per policy or  
35 calendar year per covered individual. This paragraph shall not be  
36 construed as limiting the benefits that are otherwise available to an  
37 individual under the group or blanket policy, provided however that such  
38 policy shall not contain any limitations on visits that are solely  
39 applied to the treatment of autism spectrum disorder. No insurer shall  
40 terminate coverage or refuse to deliver, execute, issue, amend, adjust,  
41 or renew coverage to an individual solely because the individual is  
42 diagnosed with autism spectrum disorder or has received treatment for  
43 autism spectrum disorder. Coverage shall be subject to utilization  
44 review and external appeals of health care services pursuant to article  
45 forty-nine of this chapter as well as, case management, and other  
46 managed care provisions.

47 § 4. Subsection (ee) of section 4303 of the insurance law, as amended  
48 by chapter 596 of the laws of 2011 and paragraph 2 as amended by section  
49 40 of part D of chapter 56 of the laws of 2013, is amended to read as  
50 follows:

51 (ee) (1) A medical expense indemnity corporation, a hospital service  
52 corporation or a health service corporation which provides coverage for  
53 hospital or surgical care coverage shall [~~not-exclude~~] include full  
54 coverage for the prevention, early detection, screening, diagnosis and  
55 treatment of medical conditions otherwise covered by the contract solely

1 because the treatment is provided to diagnose or treat autism spectrum  
2 disorder.

3 (2) Every contract that provides physician services, medical, major  
4 medical or similar comprehensive-type coverage shall provide coverage  
5 for the screening, diagnosis and treatment of autism spectrum disorder  
6 in accordance with this paragraph and shall not exclude full coverage  
7 for the prevention, early detection, screening, diagnosis or treatment  
8 of medical conditions otherwise covered by the contract because the  
9 individual is diagnosed with autism spectrum disorder. Such coverage may  
10 be subject to annual deductibles, copayments and coinsurance as may be  
11 deemed appropriate by the superintendent and shall be consistent with  
12 those imposed on other benefits under the contract. Coverage for applied  
13 behavior analysis shall be subject to a maximum benefit of six hundred  
14 eighty hours of treatment per contract or calendar year per covered  
15 individual. This paragraph shall not be construed as limiting the bene-  
16 fits that are otherwise available to an individual under the contract,  
17 provided however that such contract shall not contain any limitations on  
18 visits that are solely applied to the treatment of autism spectrum  
19 disorder. No insurer shall terminate coverage or refuse to deliver,  
20 execute, issue, amend, adjust, or renew coverage to an individual solely  
21 because the individual is diagnosed with autism spectrum disorder or has  
22 received treatment for autism spectrum disorder. Coverage shall be  
23 subject to utilization review and external appeals of health care  
24 services pursuant to article forty-nine of this chapter as well as, case  
25 management, and other managed care provisions.

26 § 5. This act shall take effect on the thirtieth day after it shall  
27 have become a law.