

STATE OF NEW YORK

6263

2019-2020 Regular Sessions

IN SENATE

May 30, 2019

Introduced by Sen. GOUNARDES -- 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 limiting co-payments for insulin

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

1 Section 1. Paragraph 15-a of subsection (i) of section 3216 of the
2 insurance law, as added by chapter 378 of the laws of 1993 such section
3 as renumbered and subparagraph (A) as amended by chapter 338 of the laws
4 of 2003, is amended to read as follows:
5 (15-a) (A) Every policy which provides medical coverage that includes
6 coverage for physician services in a physician's office and every policy
7 which provides major medical or similar comprehensive-type coverage
8 shall include coverage for the following equipment and supplies for the
9 treatment of diabetes, if recommended or prescribed by a physician or
10 other licensed health care provider legally authorized to prescribe
11 under title eight of the education law: blood glucose monitors and blood
12 glucose monitors for the visually impaired, data management systems,
13 test strips for glucose monitors and visual reading and urine testing
14 strips, insulin, injection aids, cartridges for the visually impaired,
15 syringes, insulin pumps and appurtenances thereto, insulin infusion
16 devices, and oral agents for controlling blood sugar. In addition, the
17 commissioner of the department of health shall provide and periodically
18 update by rule or regulation a list of additional diabetes equipment and
19 related supplies such as are medically necessary for the treatment of
20 diabetes, for which there shall also be coverage. Such policies shall
21 also include coverage for diabetes self-management education to ensure
22 that persons with diabetes are educated as to the proper self-management
23 and treatment of their diabetic condition, including information on
24 proper diets. Such coverage for self-management education and education
25 relating to diet shall be limited to visits medically necessary upon the

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

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1 diagnosis of diabetes, where a physician diagnoses a significant change
2 in the patient's symptoms or conditions which necessitate changes in a
3 patient's self-management, or where reeducation or refresher education
4 is necessary. Such education may be provided by the physician or other
5 licensed health care provider legally authorized to prescribe under
6 title eight of the education law, or their staff, as part of an office
7 visit for diabetes diagnosis or treatment, or by a certified diabetes
8 nurse educator, certified nutritionist, certified dietitian or regis-
9 tered dietitian upon the referral of a physician or other licensed
10 health care provider legally authorized to prescribe under title eight
11 of the education law. Education provided by the certified diabetes nurse
12 educator, certified nutritionist, certified dietitian or registered
13 dietitian may be limited to group settings wherever practicable. Cover-
14 age for self-management education and education relating to diet shall
15 also include home visits when medically necessary.

16 (B) Such coverage may be subject to annual deductibles and coinsurance
17 as may be deemed appropriate by the superintendent and as are consistent
18 with those established for other benefits within a given policy;
19 provided, however, that a covered person shall not be required to pay an
20 amount in excess of one hundred dollars per thirty day supply of
21 prescription insulin regardless of the amount or type of insulin needed
22 to fill the covered person's prescription, however nothing shall prevent
23 an insurer from reducing such maximum amount.

24 § 2. Paragraph 7 of subsection (k) of section 3221 of the insurance
25 law, as amended by chapter 338 of the laws of 2003, is amended to read
26 as follows:

27 (7)(A) Every group or blanket accident and health insurance policy
28 issued or issued for delivery in this state which provides medical
29 coverage that includes coverage for physician services in a physician's
30 office and every policy which provides major medical or similar compre-
31 hensive-type coverage shall include coverage for the following equipment
32 and supplies for the treatment of diabetes, if recommended or prescribed
33 by a physician or other licensed health care provider legally authorized
34 to prescribe under title eight of the education law: blood glucose moni-
35 tors and blood glucose monitors for the visually impaired, data manage-
36 ment systems, test strips for glucose monitors and visual reading and
37 urine testing strips, insulin, injection aids, cartridges for the visu-
38 ally impaired, syringes, insulin pumps and appurtenances thereto, insu-
39 lin infusion devices, and oral agents for controlling blood sugar. In
40 addition, the commissioner of the department of health shall provide and
41 periodically update by rule or regulation a list of additional diabetes
42 equipment and related supplies such as are medically necessary for the
43 treatment of diabetes, for which there shall also be coverage. Such
44 policies shall also include coverage for diabetes self-management educa-
45 tion to ensure that persons with diabetes are educated as to the proper
46 self-management and treatment of their diabetic condition, including
47 information on proper diets. Such coverage for self-management education
48 and education relating to diet shall be limited to visits medically
49 necessary upon the diagnosis of diabetes, where a physician diagnoses a
50 significant change in the patient's symptoms or conditions which neces-
51 sitate changes in a patient's self-management, or where reeducation or
52 refresher education is necessary. Such education may be provided by the
53 physician or other licensed health care provider legally authorized to
54 prescribe under title eight of the education law, or their staff, as
55 part of an office visit for diabetes diagnosis or treatment, or by a
56 certified diabetes nurse educator, certified nutritionist, certified

1 dietitian or registered dietitian upon the referral of a physician or
2 other licensed health care provider legally authorized to prescribe
3 under title eight of the education law. Education provided by the certi-
4 fied diabetes nurse educator, certified nutritionist, certified dieti-
5 tian or registered dietitian may be limited to group settings wherever
6 practicable. Coverage for self-management education and education
7 relating to diet shall also include home visits when medically neces-
8 sary.

9 (B) Such coverage may be subject to annual deductibles and coinsurance
10 as may be deemed appropriate by the superintendent and as are consistent
11 with those established for other benefits within a given policy;
12 provided, however, that a covered person shall not be required to pay an
13 amount in excess of one hundred dollars per thirty day supply of
14 prescription insulin regardless of the amount or type of insulin needed
15 to fill the covered person's prescription, however nothing shall prevent
16 an insurer from reducing such maximum amount.

17 (C) This paragraph shall not apply to a policy which covers persons
18 employed in more than one state or the benefit structure of which was
19 the subject of collective bargaining affecting persons employed in more
20 than one state unless such policy is issued under the New York state
21 health insurance plan established under article eleven of the civil
22 service law or issued to or through a local government.

23 § 3. Subsection (u) of section 4303 of the insurance law, as amended
24 by chapter 338 of the laws of 2003, is amended to read as follows:

25 (u) (1) A medical expense indemnity corporation or a health service
26 corporation which provides medical coverage that includes coverage for
27 physician services in a physician's office and every policy which
28 provides major medical or similar comprehensive-type coverage shall
29 include coverage for the following equipment and supplies for the treat-
30 ment of diabetes, if recommended or prescribed by a physician or other
31 licensed health care provider legally authorized to prescribe under
32 title eight of the education law: blood glucose monitors and blood
33 glucose monitors for the visually impaired, data management systems,
34 test strips for glucose monitors and visual reading and urine testing
35 strips, insulin, injection aids, cartridges for the visually impaired,
36 syringes, insulin pumps and appurtenances thereto, insulin infusion
37 devices, and oral agents for controlling blood sugar. In addition, the
38 commissioner of the department of health shall provide and periodically
39 update by rule or regulation a list of additional diabetes equipment and
40 related supplies such as are medically necessary for the treatment of
41 diabetes, for which there shall also be coverage. Such policies shall
42 also include coverage for diabetes self-management education to ensure
43 that persons with diabetes are educated as to the proper self-management
44 and treatment of their diabetic condition, including information on
45 proper diets. Such coverage for self-management education and education
46 relating to diet shall be limited to visits medically necessary upon the
47 diagnosis of diabetes, where a physician diagnoses a significant change
48 in the patient's symptoms or conditions which necessitate changes in a
49 patient's self-management, or where reeducation or refresher education
50 is necessary. Such education may be provided by the physician or other
51 licensed health care provider legally authorized to prescribe under
52 title eight of the education law, or their staff, as part of an office
53 visit for diabetes diagnosis or treatment, or by a certified diabetes
54 nurse educator, certified nutritionist, certified dietitian or regis-
55 tered dietitian upon the referral of a physician or other licensed
56 health care provider legally authorized to prescribe under title eight

1 of the education law. Education provided by the certified diabetes nurse
2 educator, certified nutritionist, certified dietitian or registered
3 dietitian may be limited to group settings wherever practicable. Cover-
4 age for self-management education and education relating to diet shall
5 also include home visits when medically necessary.

6 (2) Such coverage may be subject to annual deductibles and coinsurance
7 as may be deemed appropriate by the superintendent and as are consistent
8 with those established for other benefits within a given policy;
9 provided, however, that a covered person shall not be required to pay an
10 amount in excess of one hundred dollars per thirty day supply of
11 prescription insulin regardless of the amount or type of insulin needed
12 to fill the covered person's prescription, however nothing shall prevent
13 an insurer from reducing such maximum amount.

14 (3) This subsection shall not apply to a policy which covers persons
15 employed in more than one state or the benefit structure of which was
16 the subject of collective bargaining affecting persons employed in more
17 than one state unless such policy is issued under the New York state
18 health insurance plan established under article eleven of the civil
19 service law or issued to or through a local government.

20 § 4. This act shall take effect January 1, 2020 and shall apply to all
21 policies and contracts issued, renewed, modified, altered or amended on
22 or after such date.