

STATE OF NEW YORK

6931

IN SENATE

January 6, 2020

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Subparagraph (B) of paragraph 1 of subsection (a) of
2 section 3240 of the insurance law, as amended by chapter 461 of the laws
3 of 2015, clause (ii) as amended by a chapter of the laws of 2019, amend-
4 ing the insurance law relating to policies or contracts which are not
5 included in the definition of student accident and health insurance, as
6 proposed in legislative bills numbers S. 6197 and A. 492, is amended to
7 read as follows:

8 (B) "Student accident and health insurance" shall not include:

9 (i) a policy or contract that provides limited scope dental or vision
10 benefits meeting the definition of "excepted benefits" set forth in
11 section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c);
12 [~~or~~]

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

20 [~~(iii) an accident policy or contract that provides benefits meeting~~
21 ~~the definition of "excepted benefits" set forth in section 2791 of the~~
22 ~~public health service act, 42 U.S.C. § 300gg-91(c), if the policy or~~
23 ~~contract~~]:

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

25 (II) provides benefits to diagnose and treat any intercollegiate
26 sports injury and does not include a benefit dollar maximum amount per

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

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1 injury that is less than the overall benefit dollar maximum amount per
2 student under the intercollegiate sports injury policy or contract;

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

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

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

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

15 (VII) includes a maximum benefit amount that is no less than the
16 deductible under the separate athletic association policy or contract if
17 designed to coordinate with a separate policy or contract issued to an
18 athletic association that extends coverage for intercollegiate sports
19 injuries;

20 (iii) an accident policy or contract that provides benefits meeting
21 the definition of "excepted benefits" set forth in section 2791 of the
22 public health service act, 42 U.S.C. § 300gg-91(c)(1)(A), if the policy
23 or contract:

24 (I) is limited to transportation expenses in the event an insured
25 student incurs a covered sickness or accident, including transportation
26 expenses for a medical escort to travel with the student and transporta-
27 tion expenses for returning the student to the student's domicile;

28 (II) provides that premiums are paid in full by the institution of
29 higher education;

30 (III) covers students enrolled in the institution of higher education;

31 (IV) includes prominent disclosure to the student that the accident
32 policy is not a substitute for comprehensive hospital and medical cover-
33 age; and

34 (V) provides coverage for a period of twelve months; or

35 (iv) an insurance policy, contract, or certificate that provides
36 hospital, medical, or surgical expense coverage for a student while
37 studying outside the United States for a period of twelve months or less
38 that is issued to a student, provided that the student is also covered
39 by comprehensive hospital and medical coverage within the United States
40 and the insurance policy, contract, or certificate:

41 (I) is subject to the requirements of subsections (b), (c), (d), (e),
42 (h), and (i) of this section;

43 (II) meets the definition of "expatriate health plan" set forth in 42
44 U.S.C. § 18014(d)(2);

45 (III) excludes coverage within the United States;

46 (IV) may offer coverage for global evacuation and repatriation in the
47 event of the insured student's sickness or accident; and

48 (V) may offer coverage for trip cancellation, trip interruption,
49 baggage, personal effects, or global evacuation and repatriation,
50 including evacuation in the event of a natural or man-made disaster,
51 such as an epidemic, political event, war, terrorist act, riot, or civil
52 insurrection, pursuant to section three thousand four hundred fifty-two
53 of this chapter.

54 § 2. Clause (iii) of subparagraph (C) of paragraph 3 of subsection (a)
55 of section 4237 of the insurance law, as amended by chapter 461 of the
56 laws of 2015, is amended to read as follows:

(iii) as described in item (ii), (iii) or (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 3. Paragraphs 3, 4 and 5 of subsection (a) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, are amended to read as follows:

(3) The policy may be issued to:

(A) any railroad company, steamship company, carrier by air, public bus carrier, or other common carrier of passengers, which shall be deemed the policyholder, where the policy insures its passengers; ~~[ex]~~

(B) an institution of higher education as provided in paragraph two of subsection (a) of section three thousand two hundred forty of this chapter; or

(C) any other group where the superintendent has determined in a regulation that the members are engaged in a common enterprise, or have an economic or social affinity or relationship, and that the issuance of the policy would not be contrary to the best interests of the public.

(4) ~~[The]~~ (A) Except as provided in subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter, the policy may provide coverage for trip cancellation, trip interruption, baggage, and personal effects when limited to a specific trip. The policy shall be sold in connection with transportation provided by the common carrier or, with respect to other groups as permitted by the superintendent in accordance with subparagraph ~~[(B)]~~ (C) of paragraph three of this subsection, subject to such limitations provided in the regulation promulgated by the superintendent.

(B) A policy issued to an institution of higher education shall comply with clause (V) of item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

(5) Coverage under the policy shall be limited to the group member's risks with respect to a particular trip, except a policy issued to an institution of higher education shall comply with item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 4. Paragraph 1 of subsection (c) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, is amended to read as follows:

(1) Unless the group policy provides for a longer policy period, the policy shall be issued or renewed for a one-year policy period, except a policy issued to an institution of higher education shall be issued or renewed for a period consistent with item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter.

§ 5. Subparagraph (B) of paragraph 7 of subsection (c) of section 3452 of the insurance law, as added by chapter 318 of the laws of 2008, is amended to read as follows:

(B) The coverage shall terminate as provided in the certificate, which shall in no event be later than the conclusion of the trip, except coverage under a policy issued to an institution of higher education as provided in item (iv) of subparagraph (B) of paragraph one of subsection (a) of section three thousand two hundred forty of this chapter shall terminate in accordance with the provisions of that section.

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the insurance law relating to policies or contracts which are not included in the defi-

1 nition of student accident and health insurance, as proposed in legisla-
2 tive bills numbers S. 6197 and A. 492, takes effect.