

STATE OF NEW YORK

4120

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. GUNTHER, L. ROSENTHAL, PERRY, DINOWITZ, ZEBROW-SKI, J. RIVERA, COLTON, ABINANTI, SIMON, LALOR, MIKULIN -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, COOK, CUSICK, GALEF, J. M. GIGLIO, GOTTFRIED, LUPARDO, MAGNARELLI, McDONOUGH, MONTESANO, PAULIN, THIELE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for providing prosthetic devices

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 36 to read as follows:

(36) Every policy which provides medical, major medical, or similar comprehensive type coverage shall provide coverage for prosthetic devices, including repairs and replacements, that are intended for medically necessary rehabilitative and habilitative purposes as required by 42 U.S.C. §18022. As such, prosthetic device coverage shall be subject to annual deductibles and coinsurance as deemed appropriate by the superintendent in amounts no greater than other essential health benefits covered by the policy. The term "prosthetic device" as used in this paragraph includes an artificial limb and all of the components and related services that comprise prosthetic care but shall not include shoes or any other article considered as ordinary wearing apparel, whether or not specially constructed.

§ 2. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 21 to read as follows:

(21) Every policy which provides medical, major medical, or similar comprehensive type coverage shall provide coverage for prosthetic devices, including repairs and replacements, that are intended for medically necessary rehabilitative and habilitative purposes as required by 42 U.S.C. §18022. As such, prosthetic device coverage shall be subject to annual deductibles and coinsurance as deemed appropriate by

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

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1 the superintendent in amounts no greater than other essential health
2 benefits covered by the policy. The term "prosthetic device" as used in
3 this paragraph includes an artificial limb and all of the components and
4 related services that comprise prosthetic care but shall not include
5 shoes or any other article considered as ordinary wearing apparel,
6 whether or not specially constructed.

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

9 (ss) Every policy which provides medical, major medical, or similar
10 comprehensive type coverage shall provide coverage for prosthetic
11 devices, including repairs and replacements, that are intended for
12 medically necessary rehabilitative and habilitative purposes as required
13 by 42 U.S.C. §18022. As such, prosthetic device coverage shall be
14 subject to annual deductibles and coinsurance as deemed appropriate by
15 the superintendent in amounts no greater than other essential health
16 benefits covered by the policy. The term "prosthetic device" as used in
17 this subsection includes an artificial limb and all of the components
18 and related services that comprise prosthetic care but shall not include
19 shoes or any other article considered as ordinary wearing apparel,
20 whether or not specially constructed.

21 § 4. This act shall take effect on the ninetieth day after it shall
22 have become a law and shall apply to policies and contracts issued,
23 renewed, modified, altered or amended on or after such effective date.