

STATE OF NEW YORK

1266

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

Introduced by M. of A. MAGNARELLI, JONES, COOK, COLTON, SIMON,
DE LA ROSA, GOTTFRIED, BARRETT -- Multi-Sponsored by -- M. of A. NOLAN
-- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for children
for services related to the diagnosis and treatment of mental, nervous
or emotional disorders or ailments

The People of the State of New York, represented in Senate and Assem-
bly, 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) (A) Every policy that provides medical, major medical or similar
comprehensive-type coverage, shall provide coverage for children for
services related to the diagnosis and treatment of mental, nervous or
emotional disorders or ailments, including but not limited to biologi-
cally based mental illnesses as defined by subparagraph (B) of paragraph
five of subsection (l) of section three thousand two hundred twenty-one
of this article and children with serious emotional disturbances as
defined by subparagraph (C) of paragraph five of subsection (l) of
section three thousand two hundred twenty-one of this article, in a
psychiatric center under the jurisdiction of the office of mental health
or other psychiatric in-patient facility in the department, and a
psychiatric in-patient facility maintained by a political subdivision of
the state for the care or treatment of the mentally ill. Coverage
required under this paragraph must be at least equal to coverage
provided in such policy for the diagnosis and treatment of mental, nerv-
ous or emotional disorders or ailments with no additional cost sharing.

(B) For the purposes of this paragraph, the term "children" shall mean
any person under the age of eighteen years.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by
adding a new paragraph 5-a to read as follows:

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

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1 (5-a) (A) Every policy that provides medical, major medical or similar
2 comprehensive-type coverage, shall provide coverage for children for
3 services related to the diagnosis and treatment of mental, nervous or
4 emotional disorders or ailments, including but not limited to biologi-
5 cally based mental illnesses as defined by subparagraph (B) of paragraph
6 five of this subsection and children with serious emotional disturbances
7 as defined by subparagraph (C) of paragraph five of this subsection, in
8 a psychiatric center under the jurisdiction of the office of mental
9 health or other psychiatric in-patient facility in the department, and a
10 psychiatric in-patient facility maintained by a political subdivision of
11 the state for the care or treatment of the mentally ill. Coverage
12 required under this paragraph must be at least equal to coverage
13 provided in such policy for the diagnosis and treatment of mental, nerv-
14 ous or emotional disorders or ailments with no additional cost sharing.

15 (B) For the purposes of this paragraph, the term "children" shall mean
16 any person under the age of eighteen years.

17 § 3. Section 4303 of the insurance law is amended by adding a new
18 subsection (g-1) to read as follows:

19 (g-1) (1) Every contract that provides medical, major medical or simi-
20 lar comprehensive-type coverage, shall provide coverage for children for
21 services related to the diagnosis and treatment of mental, nervous or
22 emotional disorders or ailments, including but not limited to biologi-
23 cally based mental illnesses as defined by subparagraph (B) of paragraph
24 two of subsection (g) of this section and children with serious
25 emotional disturbances as defined by paragraph three of subsection (g)
26 of this section, in a psychiatric center under the jurisdiction of the
27 office of mental health or other psychiatric in-patient facility in the
28 department, and a psychiatric in-patient facility maintained by a poli-
29 tical subdivision of the state for the care or treatment of the mentally
30 ill. Coverage required under this paragraph must be at least equal to
31 coverage provided in such policy for the diagnosis and treatment of
32 mental, nervous or emotional disorders or ailments with no additional
33 cost sharing.

34 (2) For the purposes of this subsection, the term "children" shall
35 mean any person under the age of eighteen years.

36 § 4. This act shall take effect immediately and shall apply to any
37 policy issued, delivered, renewed, and/or modified on or after the
38 effective date of this act.