

# STATE OF NEW YORK

3896

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, GAUGHRAN, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law and the workers' compensation law, in relation to coverage of long term medical care for Lyme disease and other tick borne related pathogens

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

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

3 (36) Every insurer issuing a policy of accident and health insurance  
4 for delivery in this state shall provide coverage for all costs for  
5 treatment of Lyme disease (Lyme borreliosis) and other tick borne  
6 related pathogens. Such treatment shall include not less than thirty  
7 days of intravenous antibiotic therapy, sixty days of oral antibiotic  
8 therapy, or both, and shall provide further treatment if recommended by  
9 a physician licensed to practice medicine in the state of New York.

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

12 (21) Every group or blanket policy delivered or issued for delivery in  
13 this state which provides hospital, surgical or medical coverage shall  
14 provide coverage for all costs for treatment of Lyme disease (Lyme  
15 borreliosis) and other tick borne related pathogens. Such treatment  
16 shall include not less than thirty days of intravenous antibiotic thera-  
17 py, sixty days of oral antibiotic therapy, or both, and shall provide  
18 further treatment if recommended by a physician licensed to practice  
19 medicine in the state of New York.

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

22 (ss) Every medical expense indemnity corporation, hospital service  
23 corporation and health service corporation which provides coverage for

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

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1 medical, surgical or major medical care shall provide coverage for all  
2 costs for treatment of Lyme disease (Lyme borreliosis) and other tick  
3 borne related pathogens. Such treatment shall include not less than  
4 thirty days of intravenous antibiotic therapy, sixty days of oral anti-  
5 biotic therapy, or both, and shall provide further treatment if recom-  
6 mended by a physician licensed to practice medicine in the state of New  
7 York.

8 § 4. Paragraph 30 of subdivision 2 of section 3 of the workers'  
9 compensation law, as renumbered by chapter 665 of the laws of 1971, is  
10 renumbered paragraph 31 and a new paragraph 30 is added to read as  
11 follows:

12 30. Lyme disease  
13 (Lyme borreliosis)  
14 and other tick borne  
15 related pathogens.

30. Any process involving  
outdoor activity or  
treatment of animals.

16 § 5. The closing paragraph of subdivision 2 of section 3 of the work-  
17 ers' compensation law, as amended by chapter 666 of the laws of 1971, is  
18 amended to read as follows:

19 Nothing in paragraph [~~thirty~~ thirty-one] of this subdivision shall be  
20 construed to apply to any disability or death due to any disease  
21 described in paragraph twenty-nine of this subdivision.

22 § 6. Subdivision 9 of section 201 of the workers' compensation law is  
23 amended by adding a new paragraph C to read as follows:

24 C. "Disability" also includes disability caused by or in connection  
25 with Lyme disease (Lyme borreliosis) and other tick borne related patho-  
26 gens.

27 § 7. This act shall take effect on the one hundred twentieth day after  
28 it shall have become a law. Effective immediately, the addition, amend-  
29 ment and/or repeal of any rules or regulations necessary for the imple-  
30 mentation of this act on its effective date is authorized to be made on  
31 or before such effective date.