

# STATE OF NEW YORK

4801

2021-2022 Regular Sessions

## IN SENATE

February 12, 2021

Introduced by Sen. PARKER -- 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 mandatory health insurance coverage for prosthetic devices

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 policy which provides medical, major medical, or similar  
4 comprehensive type coverage and provides coverage for durable medical  
5 equipment shall provide coverage for prosthetic devices that are  
6 intended for medically necessary rehabilitative and habilitative  
7 purposes as required by 42 U.S.C. § 18022 that is equivalent to the  
8 coverage provided for durable medical equipment. Coverage shall not be  
9 denied if the policy holder's physician determines the prosthetic device  
10 is the most appropriate model that adequately meets the medical needs of  
11 the policy holder. The term "prosthetic device" as used in this para-  
12 graph includes an artificial limb but shall not include shoes or any  
13 other article considered as ordinary wearing apparel, whether or not  
14 specially constructed. The term "policy holder" as used in this para-  
15 graph shall mean a veteran of the armed forces who resides in the state  
16 of New York and whose medical need for such prosthetic device resulted  
17 from an injury suffered in the line of duty while serving in the armed  
18 forces.

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

21 (21) Every policy which provides medical, major medical, or similar  
22 comprehensive type coverage and provides coverage for durable medical  
23 equipment shall provide coverage for prosthetic devices that are  
24 intended for medically necessary rehabilitative and habilitative  
25 purposes as required by 42 U.S.C. § 18022 that is equivalent to the

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

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1 coverage provided for durable medical equipment. Coverage shall not be  
2 denied if the policy holder's physician determines the prosthetic device  
3 is the most appropriate model that adequately meets the medical needs of  
4 the policy holder. The term "prosthetic device" as used in this para-  
5 graph includes an artificial limb but shall not include shoes or any  
6 other article considered as ordinary wearing apparel, whether or not  
7 specially constructed. The term "policy holder" as used in this para-  
8 graph shall mean a veteran of the armed forces who resides in the state  
9 of New York and whose medical need for such prosthetic device resulted  
10 from an injury suffered in the line of duty while serving in the armed  
11 forces.

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

14 (ss) Every policy which provides medical, major medical, or similar  
15 comprehensive type coverage and provides coverage for durable medical  
16 equipment shall provide coverage for prosthetic devices that are  
17 intended for medically necessary rehabilitative and habilitative  
18 purposes as required by 42 U.S.C. § 18022 that is equivalent to the  
19 coverage provided for durable medical equipment. Coverage shall not be  
20 denied if the policy holder's physician determines the prosthetic device  
21 is the most appropriate model that adequately meets the medical needs of  
22 the policy holder. The term "prosthetic device" as used in this  
23 subsection includes an artificial limb but shall not include shoes or  
24 any other article considered as ordinary wearing apparel, whether or not  
25 specially constructed. The term "policy holder" as used in this  
26 subsection shall mean a veteran of the armed forces who resides in the  
27 state of New York and whose medical need for such prosthetic device  
28 resulted from an injury suffered in the line of duty while serving in  
29 the armed forces.

30 § 4. This act shall take effect May 1, 2023 and shall apply to all  
31 policies and contracts issued, renewed, altered, or amended on or after  
32 such effective date.