

# STATE OF NEW YORK

8178

## IN SENATE

January 31, 2022

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

AN ACT to amend the insurance law, the social services law and the public health law, in relation to requiring health insurance policies to fully cover testing for ovarian cancer and requiring certain health care providers to offer annual testing for ovarian cancer

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 11-b to read as follows:

3 (11-b) (A) Every policy that provides coverage for hospital, surgical  
4 or medical care shall offer full coverage for annual testing to patients  
5 that are at high-risk of developing ovarian cancer including, but not  
6 limited to, FDA-approved testing, transvaginal ultrasound, pelvic exam,  
7 and other exams regardless if presenting signs and symptoms.

8 (B) Such additional coverage shall not be subject to annual deduct-  
9 ibles and coinsurance but shall be borne solely by the insurer.

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

12 (11-b) (A) Every insurer delivering a group or blanket policy or issu-  
13 ing a group or blanket policy for delivery in this state that provides  
14 coverage for hospital, surgical or medical care shall offer full cover-  
15 age for annual testing for individuals at high-risk of developing ovari-  
16 an cancer including, but not limited to, FDA-approved testing, transva-  
17 ginal ultrasound, pelvic exam and other exams available to those at  
18 high-risk of developing ovarian cancer regardless if presenting signs  
19 and symptoms.

20 (B) Such additional coverage shall not be subject to annual deduct-  
21 ibles and coinsurance but shall be borne solely by the insurer.

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

24 (p-1) (1) A medical expense indemnity corporation, a hospital service  
25 corporation or a health service corporation that provides coverage for  
26 hospital, surgical or medical care shall offer full coverage for annual

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

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1 testing for individuals at high-risk of developing ovarian cancer  
2 including, but not limited to, FDA-approved testing, transvaginal ultra-  
3 sound, pelvic exam and other exams for individuals at high-risk of  
4 developing ovarian cancer regardless if presenting signs or symptoms.

5 (2) Such additional coverage shall not be subject to annual deduct-  
6 ibles and coinsurance but shall be borne solely by the insurer.

7 § 4. Subdivision 2 of section 365-a of the social services law is  
8 amended by adding a new paragraph (iii) to read as follows:

9 (iii) annual ovarian cancer testing including, but not limited to,  
10 FDA-approved testing, pelvic exam, transvaginal ultrasound and other  
11 exams available to those at risk or high-risk for cancer regardless if  
12 presenting signs and symptoms.

13 § 5. The public health law is amended by adding a new section 2405-a  
14 to read as follows:

15 § 2405-a. Required offering of ovarian cancer testing. 1. Health care  
16 providers such as a physician, physician assistant, nurse practitioner,  
17 or midwife providing primary care shall ask specific questions to deter-  
18 mine if there are any signs or symptoms that may indicate ovarian  
19 cancer. Once signs and symptoms of ovarian cancer have been detected, or  
20 a provider is suspicious the patient has ovarian cancer, ovarian cancer  
21 "testing" may then be performed, which could encompass a pelvic exam,  
22 FDA-approved testing, transvaginal ultrasound, and other exams for  
23 ovarian cancer. Additionally, providers shall avail patients with ovari-  
24 an cancer education, including, but not limited to, information on the  
25 signs and symptoms of ovarian cancer and providing the patient with a  
26 copy of the informational pamphlet developed and supplied by the depart-  
27 ment, unless the health care practitioner providing such services  
28 reasonably believes that: (a) the individual is being treated for a life  
29 threatening emergency; or (b) the individual lacks capacity to consent  
30 to ovarian cancer testing.

31 2. As used in this section, "primary care" means the medical fields of  
32 family medicine, general pediatrics, primary care, internal medicine,  
33 primary care obstetrics, or primary care gynecology, without regard to  
34 board certification.

35 3. The offering of ovarian cancer testing under this section shall be  
36 culturally and linguistically appropriate in accordance with rules and  
37 regulations promulgated by the commissioner.

38 4. The department shall develop informational pamphlets on ovarian  
39 cancer and supply such pamphlets to health service providers.

40 5. This section shall not affect the scope of practice of any health  
41 care practitioner or diminish any authority or legal or professional  
42 obligation of any health care practitioner to offer ovarian cancer test-  
43 ing or to provide services or care for the subject of ovarian cancer  
44 testing.

45 § 6. This act shall take effect on the first of January next succeed-  
46 ing the date on which it shall have become a law and shall apply to  
47 policies issued, reissued, renewed, modified or amended on or after such  
48 date.