

STATE OF NEW YORK

2198

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and a chapter of the laws of 2022 relating to providing insurance coverage for colorectal cancer early detection, as proposed in legislative bills numbers S. 906-B and A. 2085-A, in relation to coverage for preventive screenings and notice requirements; and to repeal certain provisions of the insurance law and of such chapter relating thereto

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

Section 1. Paragraph 11-b of subsection (i) of section 3216 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to providing insurance coverage for colorectal cancer early detection, as proposed in legislative bills numbers S.906-B and A. 2085-A, is REPEALED.

§ 2. Paragraph 11-b of subsection (l) of section 3221 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to providing insurance coverage for colorectal cancer early detection, as proposed in legislative bills numbers S.906-B and A. 2085-A, is amended to read as follows:

(11-b) (A) Every large group policy delivered or issued for delivery in this state which provides medical coverage that includes coverage for physician services in a physician's office and every large group policy which provides major medical or similar comprehensive-type coverage shall provide, upon the prescription of a health care provider [~~legally authorized to prescribe under~~] acting within the provider's scope of practice pursuant to title eight of the education law, coverage for colorectal cancer [~~screening~~] preventive screenings in accordance with the American Cancer Society Guidelines for colorectal cancer screening of average risk individuals. The coverage required by this paragraph shall also include [~~preventive colorectal cancer screening~~] coverage for

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

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1 all additional colorectal cancer examinations and laboratory tests
2 recommended in accordance with the American Cancer Society Guidelines
3 for colorectal cancer screening of average risk individuals, including
4 an initial colonoscopy or other medical test or procedure for colorectal
5 cancer screening and a follow-up colonoscopy performed as a result of a
6 positive result on a non-colonoscopy preventive screening test. A large
7 group policy shall cover colorectal cancer screenings, examinations, and
8 laboratory tests described in this paragraph upon any policy issuance or
9 renewal that occurs six months after the date the guideline described in
10 this paragraph is issued.

11 (B) An [~~individual~~] insured shall not be subject to a deductible,
12 coinsurance, or any other cost-sharing requirements for services
13 consistent with subparagraph (A) of this paragraph received from partic-
14 ipating providers.

15 § 3. Section 4303 of the insurance law is amended by adding a new
16 subsection (uu) to read as follows:

17 (uu) (1) Every large group contract delivered or issued for delivery
18 in this state which provides medical coverage that includes coverage for
19 physician services in a physician's office and every large group
20 contract which provides major medical or similar comprehensive-type
21 coverage shall provide, upon the prescription of a health care provider
22 acting within the provider's scope of practice pursuant to title eight
23 of the education law, coverage for colorectal cancer preventive screen-
24 ings in accordance with the American Cancer Society Guidelines for colo-
25 rectal cancer screening of average risk individuals. The coverage
26 required by this subsection shall also include coverage for all addi-
27 tional colorectal cancer examinations and laboratory tests recommended
28 in accordance with the American Cancer Society Guidelines for colorectal
29 cancer screening of average risk individuals, including an initial colo-
30 noscopy or other medical test or procedure for colorectal cancer screen-
31 ing and a follow-up colonoscopy performed as a result of a positive
32 result on a non-colonoscopy preventive screening test. A large group
33 contract shall cover colorectal cancer screenings, examinations, and
34 laboratory tests described in this subsection upon any contract issuance
35 or renewal that occurs six months after the date the guideline described
36 in this subsection is issued.

37 (2) An enrollee shall not be subject to a deductible, coinsurance, or
38 any other cost-sharing requirements for services consistent with para-
39 graph one of this subsection received from participating providers.

40 § 4. Section 3 of a chapter of the laws of 2022 relating to providing
41 insurance coverage for colorectal cancer early detection, as proposed in
42 legislative bills numbers S.906-B and A. 2085-A, is REPEALED.

43 § 5. The insurance law is amended by adding a new section 339 to read
44 as follows:

45 § 339. Colorectal cancer screening notification. The superintendent
46 shall require an insurer authorized to write accident and health insur-
47 ance in this state, a corporation organized pursuant to article forty-
48 three of this chapter, and a health maintenance organization certified
49 pursuant to article forty-four of the public health law to notify
50 insureds and enrollees at least annually of colorectal cancer screenings
51 covered by such insureds' or enrollees' health insurance policy or
52 contract, and of the most recently published guidelines of the American
53 Cancer Society for colorectal cancer screenings that are covered by such
54 insureds' or enrollees' health insurance policy or contract. The notice
55 shall be delivered by United States postal mail unless the insured or

1 enrollee consents to another method of notification, including electron-
2 ic notification.

3 § 6. Section 4 of a chapter of the laws of 2022 relating to providing
4 insurance coverage for colorectal cancer early detection, as proposed in
5 legislative bills numbers S.906-B and A. 2085-A, is amended to read as
6 follows:

7 § 4. This act shall take effect immediately and shall apply to any
8 policy issued, [~~delivered,~~ renewed, [~~and/or~~ modified, altered, or
9 amended on or after the effective date of this act.

10 § 7. This act shall take effect immediately; provided that sections
11 one, two, three, four and five of this act shall take effect on the same
12 date and in the same manner as of a chapter of the laws of 2022 relating
13 to providing insurance coverage for colorectal cancer early detection,
14 as proposed in legislative bills numbers S.906-B and A. 2085-A, takes
15 effect.