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coverage for colorectal cancer early detection, as proposed in legislative bills numbers S.906-B and A. 2085-A, is REPEALED.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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all **additional** colorectal cancer examinations and laboratory tests **recommended** in accordance with **the** American Cancer Society Guidelines for colorectal cancer screening of average risk individuals, including an initial colonoscopy or other medical test or procedure for colorectal cancer screening and a follow-up colonoscopy performed as a result of a positive result on a non-colonoscopy preventive screening test. **A large group policy shall cover colorectal cancer screenings, examinations, and laboratory tests described in this paragraph upon any policy issuance or renewal that occurs six months after the date the guideline described in this paragraph is issued.**

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

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

(uu) (1) Every large group contract 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 contract which provides major medical or similar comprehensive-type coverage shall provide, upon the prescription of a health care provider acting within the provider's scope of practice pursuant to title eight of the education law, coverage for colorectal cancer preventive screenings in accordance with the American Cancer Society Guidelines for colorectal cancer screening of average risk individuals. The coverage required by this subsection shall also include coverage for all additional colorectal cancer examinations and laboratory tests recommended in accordance with the American Cancer Society Guidelines for colorectal cancer screening of average risk individuals, including an initial colonoscopy or other medical test or procedure for colorectal cancer screening and a follow-up colonoscopy performed as a result of a positive result on a non-colonoscopy preventive screening test. A large group contract shall cover colorectal cancer screenings, examinations, and laboratory tests described in this subsection upon any contract issuance or renewal that occurs six months after the date the guideline described in this subsection is issued.

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

§ 4. Section 3 of 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, is REPEALED.

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

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

enrollee consents to another method of notification, including electronic notification.

§ 6. Section 4 of 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, is amended to read as follows:

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

§ 7. This act shall take effect immediately; provided that sections one, two, three, four and five of this act shall take effect on the same date and in the same manner as of 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, takes effect.