

STATE OF NEW YORK

8001

2023-2024 Regular Sessions

IN ASSEMBLY

September 1, 2023

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

AN ACT to amend the insurance law, in relation to requiring health insurance plans to provide coverage for epinephrine auto-injector devices and capping the co-pay or deductible for such epinephrine auto-injector devices at sixty dollars

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 39 to read as follows:

3 (39) (A) Every insurer issuing a policy of accident and health insur-
4 ance delivered or issued for delivery in this state which provides
5 medical coverage that includes coverage for physician services in a
6 physician's office and every policy which provides major medical or
7 similar comprehensive-type coverage shall include coverage for medically
8 necessary epinephrine auto-injector devices for the emergency treatment
9 of life-threatening allergic reactions.

10 (B) Such coverage may be subject to annual deductibles and coinsurance
11 as may be deemed appropriate by the superintendent and as are consistent
12 with those established for other benefits within a given policy;
13 provided however, the total amount that a covered person is required to
14 pay out-of-pocket for two epinephrine auto-injector devices shall be
15 capped at an amount not to exceed sixty dollars per thirty-day supply,
16 regardless of the insured's deductible, copayment, coinsurance or any
17 other cost sharing requirement.

18 (C) Nothing in this section shall prevent an insurer from reducing a
19 covered person's cost sharing to an amount that is lower than the amount
20 specified in subparagraph (B) of this paragraph.

21 (D) For the purposes of this paragraph, "epinephrine auto-injector
22 device" shall have the same meaning as provided in paragraph (b) of
23 subdivision one of section three thousand-c of the public health law.

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

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§ 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 23 to read as follows:

(23) (A) Every group or blanket accident and health insurance policy issued or issued for delivery in this state which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall include coverage for medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions.

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided however, the total amount that a covered person is required to pay out-of-pocket for two epinephrine auto-injector devices shall be capped at an amount not to exceed sixty dollars per thirty-day supply, regardless of the insured's deductible, copayment, coinsurance or any other cost sharing requirement.

(C) Nothing in this section shall prevent an insurer from reducing a covered person's cost sharing to an amount that is lower than the amount specified in subparagraph (B) of this paragraph.

(D) For the purposes of this paragraph, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

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

(vv) (1) Every medical expense indemnity corporation, hospital service corporation and health service corporation which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall include coverage for medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions.

(2) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided however, the total amount that a covered person is required to pay out-of-pocket for two epinephrine auto-injector devices shall be capped at an amount not to exceed sixty dollars per thirty-day supply, regardless of the insured's deductible, copayment, coinsurance or any other cost sharing requirement.

(3) Nothing in this section shall prevent an insurer from reducing a covered person's cost sharing to an amount that is lower than the amount specified in paragraph two of this subsection.

(4) For the purposes of this subsection, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.