

# STATE OF NEW YORK

8584

## IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the insurance law, in relation to medical assistance coverage for medically tailored meals and medical nutrition therapy for the purpose of disease management

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 21-a to read as follows:

3 (21-a) (A) For purposes of this paragraph:

4 (i) "Medically tailored meals" and "medical nutrition therapy" means a  
5 nutritional assessment, nutritional therapy, and nutritional counseling  
6 provided by a certified dietician, certified nutritionist, or a medical  
7 doctor, including the provision of any food indicated by a nutritional  
8 assessment and the delivery of such food, ordered by a health care  
9 professional acting within his or her lawful scope of practice pursuant  
10 to title eight of the education law, for the purpose of treating one or  
11 more chronic conditions that an individual is diagnosed with.

12 (ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease  
13 and other dementias.

14 (iii) "Managed care product" means a policy which requires that  
15 medical or other health care services covered under the policy, other  
16 than emergency care services, be provided by, or pursuant to a referral  
17 from, a primary care provider, and that services provided pursuant to  
18 such a referral be rendered by a health care provider participating in  
19 the insurer's managed care provider network. In addition, a managed care  
20 product shall also mean the in-network portion of a contract which  
21 requires that medical or other health care services covered under the  
22 contract, other than emergency care services, be provided by, or pursu-  
23 ant to a referral from, a primary care provider, and that services  
24 provided pursuant to such a referral be rendered by a health care  
25 provider participating in the insurer's managed care provider network,  
26 in order for the insured to be entitled to the maximum reimbursement  
27 under the contract.

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

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1 (iv) "Medically tailored meal vendor" is a vendor that provides  
2 medically tailored meals according to the specifications in a  
3 prescription from a certified dietician, certified nutritionist, or a  
4 medical doctor.

5 (B) Every policy which is a managed care product as defined in clause  
6 (iii) of subparagraph (A) of this paragraph that provides coverage for  
7 physician services in a physician's office, and every policy which is a  
8 managed care product that provides major medical or similar comprehen-  
9 sive-type coverage, shall include coverage for medically tailored meals  
10 and medical nutrition therapy as defined in clause (i) of subparagraph  
11 (A) of this paragraph, provided by a certified dietician or certified  
12 nutritionist licensed pursuant to section eight thousand four of the  
13 education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical  
14 doctor, in connection with the management or treatment of one or more  
15 chronic conditions.

16 (C) Individual coverage is limited per medical diagnosis of one chron-  
17 ic condition. Covered individuals may receive coverage of a maximum of  
18 ten meals per week for a maximum duration of three months from the date  
19 the individual receives its first meal prescription per a diagnosis of a  
20 chronic condition. An individual may renew medically tailored meal  
21 coverage with an assessment and renewed prescription from a certified  
22 dietician, certified nutritionist or medical doctor. The managed care  
23 product shall provide coverage for meals that comply with the medically  
24 tailored meal prescription from a pre-approved medically tailored meal  
25 vendor. The medically tailored meal vendor shall have a certified dieti-  
26 cian, certified nutritionist or medical doctor review and approve the  
27 menus provided in response to a prescription for medically tailored  
28 meals. All medically tailored meal vendors shall be pre-approved by the  
29 managed care plan.

30 (D) Medically tailored meals and medical nutrition therapy services  
31 may be subject to reasonable deductible, co-payment and co-insurance  
32 amounts, reasonable fee or benefit limits, and reasonable utilization  
33 review, provided that any such amounts, limits and review: (i) shall not  
34 function to direct treatment in a manner discriminative against  
35 medically tailored meals and medical nutritional therapy care, and (ii)  
36 individually and collectively shall be no more restrictive than those  
37 applicable under the same policy to care or services provided by other  
38 health professionals in the diagnosis, treatment and management of  
39 chronic diseases. Nothing herein contained shall be construed as imped-  
40 ing or preventing either the provision or coverage of medically tailored  
41 meals and medical nutritional therapy care and services by a duly certi-  
42 fied dietician, certified nutritionist or medical doctor, within the  
43 lawful scope of their practice, in hospital facilities on a staff or  
44 employee basis.

45 (E) The coverage required by this paragraph shall not be abridged by  
46 any regulation promulgated by the superintendent.

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

49 (11-a) (A) For purposes of this paragraph:

50 (i) "Medically tailored meals" and "medical nutrition therapy" means a  
51 nutritional assessment, nutritional therapy, and nutritional counseling  
52 provided by a certified dietician, certified nutritionist, or a medical  
53 doctor, including the provision of any food indicated by a nutritional  
54 assessment and the delivery of such food, ordered by a health care  
55 professional acting within his or her lawful scope of practice pursuant

1 to title eight of the education law, for the purpose of treating one or  
2 more chronic conditions that an individual is diagnosed with.

3 (ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease  
4 and other dementias.

5 (iii) "Managed care product" means a policy which requires that  
6 medical or other health care services covered under the policy, other  
7 than emergency care services, be provided by, or pursuant to a referral  
8 from, a primary care provider, and that services provided pursuant to  
9 such a referral be rendered by a health care provider participating in  
10 the insurer's managed care provider network. In addition, a managed care  
11 product shall also mean the in-network portion of a contract which  
12 requires that medical or other health care services covered under the  
13 contract, other than emergency care services, be provided by, or pursu-  
14 ant to a referral from, a primary care provider, and that services  
15 provided pursuant to such a referral be rendered by a health care  
16 provider participating in the insurer's managed care provider network,  
17 in order for the insured to be entitled to the maximum reimbursement  
18 under the contract.

19 (iv) "Medically tailored meal vendor" is a vendor that provides  
20 medically tailored meals according to the specifications in a  
21 prescription from a certified dietician, certified nutritionist, or a  
22 medical doctor.

23 (B) Every policy which is a managed care product as defined in clause  
24 (iii) of subparagraph (A) of this paragraph that provides coverage for  
25 physician services in a physician's office, and every policy which is a  
26 managed care product that provides major medical or similar comprehen-  
27 sive-type coverage, shall include coverage for medically tailored meals  
28 and medical nutrition therapy as defined in clause (i) of subparagraph  
29 (A) of this paragraph, provided by a certified dietician or certified  
30 nutritionist licensed pursuant to section eight thousand four of the  
31 education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical  
32 doctor, in connection with the management or treatment of one or more  
33 chronic conditions.

34 (C) Individual coverage is limited per medical diagnosis of one chron-  
35 ic condition. Covered individuals may receive coverage of a maximum of  
36 ten meals per week for a maximum duration of three months from the date  
37 the individual receives its first meal prescription per a diagnosis of a  
38 chronic condition. An individual may renew medically tailored meal  
39 coverage with an assessment and renewed prescription from a certified  
40 dietician, certified nutritionist or medical doctor. The managed care  
41 product shall provide coverage for meals that comply with the medically  
42 tailored meal prescription from a pre-approved medically tailored meal  
43 vendor. The medically tailored meal vendor shall have a certified dieti-  
44 cian, certified nutritionist or medical doctor review and approve the  
45 menus provided in response to a prescription for medically tailored  
46 meals. All medically tailored meal vendors shall be pre-approved by the  
47 managed care plan.

48 (D) Medically tailored meals and medical nutrition therapy services  
49 may be subject to reasonable deductible, co-payment and co-insurance  
50 amounts, reasonable fee or benefit limits, and reasonable utilization  
51 review, provided that any such amounts, limits and review: (i) shall not  
52 function to direct treatment in a manner discriminative against  
53 medically tailored meals and medical nutritional therapy care, and (ii)  
54 individually and collectively shall be no more restrictive than those  
55 applicable under the same policy to care or services provided by other  
56 health professionals in the diagnosis, treatment and management of

chronic diseases. Nothing herein contained shall be construed as impeding or preventing either the provision or coverage of medically tailored meals and medical nutritional therapy care and services by a duly certified dietician, certified nutritionist or medical doctor, within the lawful scope of their practice, in hospital facilities on a staff or employee basis.

(E) The coverage required by this paragraph shall not be abridged by any regulation promulgated by the superintendent.

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

(y-1) (A) For purposes of this subsection:

(i) "Medically tailored meals" and "medical nutrition therapy" means a nutritional assessment, nutritional therapy, and nutritional counseling provided by a certified dietician, certified nutritionist, or a medical doctor, including the provision of any food indicated by a nutritional assessment and the delivery of such food, ordered by a health care professional acting within his or her lawful scope of practice pursuant to title eight of the education law, for the purpose of treating one or more chronic conditions that an individual is diagnosed with.

(ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease and other dementias.

(iii) "Managed care product" means a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network. In addition, a managed care product shall also mean the in-network portion of a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network, in order for the insured to be entitled to the maximum reimbursement under the contract.

(iv) "Medically tailored meal vendor" is a vendor that provides medically tailored meals according to the specifications in a prescription from a certified dietician, certified nutritionist, or a medical doctor.

(B) Every contract issued by a health service corporation or a medical expense indemnity corporation which is a managed care product as defined in subparagraph (iii) of paragraph (A) of this subsection that provides coverage for physician services in a physician's office, and every managed care product that provides major medical or similar comprehensive-type coverage, shall include coverage for medically tailored meals and medical nutrition therapy as defined in subparagraph (i) of paragraph (A) of this subsection, provided by a certified dietician or certified nutritionist licensed pursuant to section eight thousand four of the education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical doctor, in connection with the management or treatment of one or more chronic conditions.

(C) Individual coverage is limited per medical diagnosis of one chronic condition. Covered individuals may receive coverage of a maximum of ten meals per week for a maximum duration of three months from the date the individual receives its first meal prescription per a diagnosis of a chronic condition. An individual may renew medically tailored meal

1 coverage with an assessment and renewed prescription from a certified  
2 dietician, certified nutritionist or medical doctor. The managed care  
3 product shall provide coverage for meals that comply with the medically  
4 tailored meal prescription from a pre-approved medically tailored meal  
5 vendor. The medically tailored meal vendor shall have a certified dieti-  
6 cian, certified nutritionist or medical doctor review and approve the  
7 menus provided in response to a prescription for medically tailored  
8 meals. All medically tailored meal vendors shall be pre-approved by the  
9 managed care plan.

10 (D) Medically tailored meals and medical nutrition therapy services  
11 may be subject to reasonable deductible, co-payment and co-insurance  
12 amounts, reasonable fee or benefit limits, and reasonable utilization  
13 review, provided that any such amounts, limits and review: (i) shall not  
14 function to direct treatment in a manner discriminative against  
15 medically tailored meals and medical nutritional therapy care, and (ii)  
16 individually and collectively shall be no more restrictive than those  
17 applicable under the same contract to care or services provided by other  
18 health professionals in the diagnosis, treatment and management of  
19 chronic diseases. Nothing herein contained shall be construed as imped-  
20 ing or preventing either the provision or coverage of medically tailored  
21 meals and medical nutritional therapy care and services by a duly certi-  
22 fied dietician, certified nutritionist or medical doctor, within the  
23 lawful scope of their practice, in hospital facilities on a staff or  
24 employee basis.

25 (E) The coverage required by this subsection shall not be abridged by  
26 any regulation promulgated by the superintendent.

27 § 4. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law. Effective immediately, the addition, amend-  
29 ment and/or repeal of any rule or regulation necessary for the implemen-  
30 tation of this act on its effective date are authorized to be made and  
31 completed on or before such effective date.