STATE OF NEW YORK

1641

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. HUNTER -- read once and referred 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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 11-c to read as follows:

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

(B) Such additional coverage shall not be subject to annual deductibles and coinsurance but shall be borne solely by the insurer.

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

(11-c) (A) Every insurer delivering a group or blanket policy or issuing a group or blanket policy for delivery in this state that provides coverage for hospital, surgical or medical care shall offer full coverage for annual testing for individuals at high-risk of developing ovarian cancer including, but not limited to, FDA-approved testing, transvaginal ultrasound, pelvic exam and other exams available to those at high-risk of developing ovarian cancer regardless if presenting signs and symptoms.

(B) Such additional coverage shall not be subject to annual deductibles and coinsurance but shall be borne solely by the insurer.

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

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

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(p-1) (1) A medical expense indemnity corporation, a hospital service corporation or a health service corporation that provides coverage for hospital, surgical or medical care shall offer full coverage for annual testing for individuals at high-risk of developing ovarian cancer including, but not limited to, FDA-approved testing, transvaginal ultrasound, pelvic exam and other exams for individuals at high-risk of developing ovarian cancer regardless if presenting signs or symptoms.

(2) Such additional coverage shall not be subject to annual deductibles and coinsurance but shall be borne solely by the insurer.

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

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

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

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

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

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

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

5. This section shall not affect the scope of practice of any health care practitioner or diminish any authority or legal or professional obligation of any health care practitioner to offer ovarian cancer testing or to provide services or care for the subject of ovarian cancer testing.

§ 6. 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 policies issued, reissued, renewed, modified or amended on or after such date.