

# STATE OF NEW YORK

21

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. MAGNARELLI, JONES, COOK, COLTON, SIMON, BARRETT,  
DE LOS SANTOS -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for children  
for services related to the diagnosis and treatment of mental, nervous  
or emotional disorders or ailments

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 37 to read as follows:

3 (37) (A) Every policy that provides medical, major medical or similar  
4 comprehensive-type coverage, shall provide coverage for children for  
5 services related to the diagnosis and treatment of mental, nervous or  
6 emotional disorders or ailments, including but not limited to biologi-  
7 cally based mental illnesses as defined by subparagraph (B) of paragraph  
8 five of subsection (1) of section three thousand two hundred twenty-one  
9 of this article and children with serious emotional disturbances as  
10 defined by subparagraph (C) of paragraph five of subsection (1) of  
11 section three thousand two hundred twenty-one of this article, in a  
12 psychiatric center under the jurisdiction of the office of mental health  
13 or other psychiatric in-patient facility in the department, and a  
14 psychiatric in-patient facility maintained by a political subdivision of  
15 the state for the care or treatment of the mentally ill. Coverage  
16 required under this paragraph must be at least equal to coverage  
17 provided in such policy for the diagnosis and treatment of mental, nerv-  
18 ous or emotional disorders or ailments with no additional cost sharing.

19 (B) For the purposes of this paragraph, the term "children" shall mean  
20 any person under the age of eighteen years.

21 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
22 adding a new paragraph 5-a to read as follows:

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

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1 (5-a) (A) Every policy that provides medical, major medical or similar  
2 comprehensive-type coverage, shall provide coverage for children for  
3 services related to the diagnosis and treatment of mental, nervous or  
4 emotional disorders or ailments, including but not limited to biologi-  
5 cally based mental illnesses as defined by subparagraph (B) of paragraph  
6 five of this subsection and children with serious emotional disturbances  
7 as defined by subparagraph (C) of paragraph five of this subsection, in  
8 a psychiatric center under the jurisdiction of the office of mental  
9 health or other psychiatric in-patient facility in the department, and a  
10 psychiatric in-patient facility maintained by a political subdivision of  
11 the state for the care or treatment of the mentally ill. Coverage  
12 required under this paragraph must be at least equal to coverage  
13 provided in such policy for the diagnosis and treatment of mental, nerv-  
14 ous or emotional disorders or ailments with no additional cost sharing.

15 (B) For the purposes of this paragraph, the term "children" shall mean  
16 any person under the age of eighteen years.

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

19 (g-1) (1) Every contract that provides medical, major medical or simi-  
20 lar comprehensive-type coverage, shall provide coverage for children for  
21 services related to the diagnosis and treatment of mental, nervous or  
22 emotional disorders or ailments, including but not limited to biologi-  
23 cally based mental illnesses as defined by subparagraph (B) of paragraph  
24 two of subsection (g) of this section and children with serious  
25 emotional disturbances as defined by paragraph three of subsection (g)  
26 of this section, in a psychiatric center under the jurisdiction of the  
27 office of mental health or other psychiatric in-patient facility in the  
28 department, and a psychiatric in-patient facility maintained by a poli-  
29 tical subdivision of the state for the care or treatment of the mentally  
30 ill. Coverage required under this paragraph must be at least equal to  
31 coverage provided in such policy for the diagnosis and treatment of  
32 mental, nervous or emotional disorders or ailments with no additional  
33 cost sharing.

34 (2) For the purposes of this subsection, the term "children" shall  
35 mean any person under the age of eighteen years.

36 § 4. This act shall take effect immediately and shall apply to any  
37 policy issued, delivered, renewed, and/or modified on or after the  
38 effective date of this act.