

STATE OF NEW YORK

3833

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the insurance law, in relation to health insurance coverage for craniofacial disorders

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 policy delivered or issued for delivery in this state
4 which provides medical coverage that includes coverage for physician
5 services in a physician's office and every policy which provides major
6 medical or similar comprehensive-type coverage shall provide coverage
7 for diagnosis and medically necessary treatment, including surgical and
8 nonsurgical procedures, for a musculoskeletal disorder that affects any
9 bone or joint in the face, neck or head and is the result of accident,
10 trauma, congenital defect, developmental defect, or pathology. Subject
11 to subparagraph (B) of this paragraph, this coverage shall be the same
12 as that provided under the health insurance plan for any other muscu-
13 loskeletal disorder in the body and may be provided when prescribed or
14 administered by a physician or a dentist. This paragraph shall not be
15 construed to require coverage for dental services for the diagnosis or
16 treatment of dental disorders or dental pathology primarily affecting
17 the gums, teeth, or alveolar ridge.

18 (B) A referral from a health care provider under contract with the
19 policy may be required.

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

22 (23)(A) Every group or blanket policy delivered or issued for delivery
23 in this state which provides medical coverage that includes coverage for
24 physician services in a physician's office or major medical or similar
25 comprehensive-type coverage shall provide coverage for diagnosis and

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

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1 medically necessary treatment, including surgical and nonsurgical proce-
2 dures, for a musculoskeletal disorder that affects any bone or joint in
3 the face, neck or head and is the result of accident, trauma, congenital
4 defect, developmental defect, or pathology. Subject to subparagraph (B)
5 of this paragraph, this coverage shall be the same as that provided
6 under the health insurance plan for any other musculoskeletal disorder
7 in the body and may be provided when prescribed or administered by a
8 physician or a dentist. This paragraph shall not be construed to require
9 coverage for dental services for the diagnosis or treatment of dental
10 disorders or dental pathology primarily affecting the gums, teeth, or
11 alveolar ridge.

12 (B) A referral from a health care provider under contract with the
13 policy may be required.

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

16 (uu)(1) A hospital service corporation, medical expense indemnity
17 corporation or health service corporation which provides medical cover-
18 age that includes coverage for physician services in a physician's
19 office or major medical or similar comprehensive-type coverage shall
20 provide coverage for diagnosis and medically necessary treatment,
21 including surgical and nonsurgical procedures, for a musculoskeletal
22 disorder that affects any bone or joint in the face, neck or head and is
23 the result of accident, trauma, congenital defect, developmental defect,
24 or pathology. Subject to paragraph two of this subsection, this coverage
25 shall be the same as that provided under the health insurance plan for
26 any other musculoskeletal disorder in the body and may be provided when
27 prescribed or administered by a physician or a dentist. This subsection
28 shall not be construed to require coverage for dental services for the
29 diagnosis or treatment of dental disorders or dental pathology primarily
30 affecting the gums, teeth, or alveolar ridge.

31 (2) A referral from a health care provider under contract with the
32 policy may be required.

33 § 4. This act shall take effect on the first of January next succeed-
34 ing the date on which it shall have become a law and shall apply to all
35 policies issued, renewed, altered or modified on or after such date.