STATE OF NEW YORK

4395

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. GUNTHER, L. ROSENTHAL, DINOWITZ, ZEBROWSKI, COLTON, SIMON, MIKULIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for providing prosthetic devices

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 39 to read as follows:

(39) Every policy which provides medical, major medical, or similar comprehensive type coverage shall provide coverage for prosthetic devices, including repairs and replacements, that are intended for medically necessary rehabilitative and habilitative purposes as required by 42 U.S.C. §18022. As such, prosthetic device coverage shall be subject to annual deductibles and coinsurance as deemed appropriate by the superintendent in amounts no greater than other essential health benefits covered by the policy. The term "prosthetic device" as used in this paragraph includes an artificial limb and all of the components and related services that comprise prosthetic care but shall not include shoes or any other article considered as ordinary wearing apparel, whether or not specially constructed.

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

(22) Every policy which provides medical, major medical, or similar comprehensive type coverage shall provide coverage for prosthetic devices, including repairs and replacements, that are intended for medically necessary rehabilitative and habilitative purposes as required by 42 U.S.C. §18022. As such, prosthetic device coverage shall be subject to annual deductibles and coinsurance as deemed appropriate by the superintendent in amounts no greater than other essential health benefits covered by the policy. The term "prosthetic device" as used in

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

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this paragraph includes an artificial limb and all of the components and related services that comprise prosthetic care but shall not include shoes or any other article considered as ordinary wearing apparel, whether or not specially constructed.

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

(qq) Every policy which provides medical, major medical, or similar comprehensive type coverage shall provide coverage for prosthetic devices, including repairs and replacements, that are intended for medically necessary rehabilitative and habilitative purposes as required by 42 U.S.C. §18022. As such, prosthetic device coverage shall be subject to annual deductibles and coinsurance as deemed appropriate by the superintendent in amounts no greater than other essential health benefits covered by the policy. The term "prosthetic device" as used in this subsection includes an artificial limb and all of the components and related services that comprise prosthetic care but shall not include shoes or any other article considered as ordinary wearing apparel, whether or not specially constructed.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.