

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 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 39 to read as follows:

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

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

17 (22) Every policy which provides medical, major medical, or similar
18 comprehensive type coverage shall provide coverage for prosthetic
19 devices, including repairs and replacements, that are intended for
20 medically necessary rehabilitative and habilitative purposes as required
21 by 42 U.S.C. §18022. As such, prosthetic device coverage shall be
22 subject to annual deductibles and coinsurance as deemed appropriate by
23 the superintendent in amounts no greater than other essential health
24 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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1 this paragraph includes an artificial limb and all of the components and
2 related services that comprise prosthetic care but shall not include
3 shoes or any other article considered as ordinary wearing apparel,
4 whether or not specially constructed.

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

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

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