

STATE OF NEW YORK

4617--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. BARRETT, THIELE, LUPARDO, MAGNARELLI, SAYEGH, DAVILA, BYRNES, DICKENS, O'DONNELL, JACKSON -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to including Lyme disease and other tick-borne diseases as occupational diseases for purposes of workers' compensation; and to amend the insurance law, in relation to coverage of long term medical care for Lyme disease and other tick-borne diseases

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

1 Section 1. Paragraph 30 of subdivision 2 of section 3 of the workers'
2 compensation law, as renumbered by chapter 665 of the laws of 1971, is
3 renumbered paragraph 31 and a new paragraph 30 is added to read as
4 follows:

5 30. Lyme disease and other
6 tick-borne diseases.

30. Any process involving
outdoor activity or
7 treatment of animals.

8 § 2. The closing paragraph of subdivision 2 of section 3 of the work-
9 ers' compensation law, as amended by chapter 666 of the laws of 1971, is
10 amended to read as follows:

11 Nothing in paragraph [~~thirty~~] thirty-one of this subdivision shall be
12 construed to apply to any disability or death due to any disease
13 described in paragraph twenty-nine of this subdivision.

14 § 3. Subdivision 9 of section 201 of the workers' compensation law is
15 amended by adding a new paragraph C to read as follows:

16 C. "Disability" also includes disability caused by or in connection
17 with Lyme disease and other tick-borne diseases.

18 § 4. Subsection (i) of section 3216 of the insurance law is amended by
19 adding a new paragraph 39 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 (39) Every insurer issuing a policy of accident and health insurance
2 for delivery in this state shall provide coverage for all costs for
3 treatment of Lyme disease (Lyme borreliosis) and other tick-borne
4 diseases. Such treatment may include intravenous antibiotic therapy,
5 oral antibiotic therapy, or any other treatment, or any combination of
6 treatments, provided such treatment is recommended by a physician
7 licensed to practice medicine in the state of New York.

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

10 (23) Every group or blanket policy delivered or issued for delivery in
11 this state which provides hospital, surgical or medical coverage shall
12 provide coverage for all costs for treatment of Lyme disease (Lyme
13 borreliosis) and other tick-borne diseases. Such treatment may include
14 intravenous antibiotic therapy, oral antibiotic therapy, or any other
15 treatment, or any combination of treatments, provided such treatment is
16 recommended by a physician licensed to practice medicine in the state of
17 New York.

18 § 6. Section 4303 of the insurance law is amended by adding a new
19 subsection (vv) to read as follows:

20 (vv) Every medical expense indemnity corporation, hospital service
21 corporation and health service corporation which provides coverage for
22 medical, surgical or major medical care shall provide coverage for all
23 costs for treatment of Lyme disease (Lyme borreliosis) and other tick-
24 borne diseases. Such treatment may include intravenous antibiotic thera-
25 py, oral antibiotic therapy, or any other treatment, or any combination
26 of treatments, provided such treatment is recommended by a physician
27 licensed to practice medicine in the state of New York.

28 § 7. This act shall take effect on the one hundred twentieth day after
29 it shall have become a law. Effective immediately, the addition, amend-
30 ment and/or repeal of any rule or regulation necessary for the implemen-
31 tation of this act on its effective date are authorized to be made and
32 completed on or before such effective date.