

# STATE OF NEW YORK

5126

2023-2024 Regular Sessions

## IN ASSEMBLY

March 2, 2023

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

AN ACT to amend the insurance law, in relation to insurance reimbursement for vaccination

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

1 Section 1. Clause (iii) of subparagraph (B) of paragraph 17 of  
2 subsection (i) of section 3216 of the insurance law, as amended by chap-  
3 ter 219 of the laws of 2011, is amended to read as follows:

4 (iii) necessary immunizations, as determined by the superintendent in  
5 consultation with the commissioner of health, consisting of at least  
6 adequate dosages of vaccine against diphtheria, pertussis, tetanus,  
7 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-  
8 titis b, which meet the standards approved by the United States public  
9 health service for such biological products, including reimbursement to  
10 the health care provider for the acquisition costs of the vaccine,  
11 according to the current or most recently reported United States centers  
12 for disease control and prevention private sector cost plus a minimum of  
13 twenty-one percent for shipping, handling and storage costs, and the  
14 total cost of administration of the vaccine, including the cost of  
15 supplies, data entry, vaccine counseling, inventory management and  
16 routine nursing activities based on the current year's medicare rates as  
17 published by the United States centers for medicare and medicaid  
18 services.

19 § 2. Clause (ii) of subparagraph (E) of paragraph 17 of subsection (i)  
20 of section 3216 of the insurance law, as amended by chapter 219 of the  
21 laws of 2011, is amended to read as follows:

22 (ii) immunizations that have in effect a recommendation from the advi-  
23 sory committee on immunization practices of the centers for disease  
24 control and prevention with respect to the individual involved, includ-  
25 ing reimbursement to the health care provider for the acquisition costs

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

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1 of the vaccine, according to the current or most recently reported  
2 United States centers for disease control and prevention private sector  
3 cost plus a minimum of twenty-one percent for shipping, handling and  
4 storage costs, and the total cost of administration of the vaccine,  
5 including the cost of supplies, data entry, vaccine counseling, invento-  
6 ry management and routine nursing activities based on the current year's  
7 medicare rates as published by the United States centers for medicare  
8 and medicaid services;

9 § 3. Clause (iii) of subparagraph (B) of paragraph 8 of subsection (1)  
10 of section 3221 of the insurance law, as amended by chapter 219 of the  
11 laws of 2011, is amended to read as follows:

12 (iii) necessary immunizations, as determined by the superintendent in  
13 consultation with the commissioner of health, consisting of at least  
14 adequate dosages of vaccine against diphtheria, pertussis, tetanus,  
15 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-  
16 titis b, which meet the standards approved by the United States public  
17 health service for such biological products, including reimbursement to  
18 the health care provider for the acquisition costs of the vaccine,  
19 according to the current or most recently reported United States centers  
20 for disease control and prevention private sector cost plus a minimum of  
21 twenty-one percent for shipping, handling and storage costs, and the  
22 total cost of administration of the vaccine, including the cost of  
23 supplies, data entry, vaccine counseling, inventory management and  
24 routine nursing activities based on the current year's medicare rates as  
25 published by the United States centers for medicare and medicaid  
26 services.

27 § 4. Clause (ii) of subparagraph (E) of paragraph 8 of subdivision (1)  
28 of section 3221 of the insurance law, as amended by chapter 219 of the  
29 laws of 2011, is amended to read as follows:

30 (ii) immunizations that have in effect a recommendation from the advi-  
31 sory committee on immunization practices of the centers for disease  
32 control and prevention with respect to the individual involved, includ-  
33 ing reimbursement to the health care provider for the acquisition costs  
34 of the vaccine, according to the current or most recently reported  
35 United States centers for disease control and prevention private sector  
36 cost plus a minimum of twenty-one percent for shipping, handling and  
37 storage costs, and the total cost of administration of the vaccine,  
38 including the cost of supplies, data entry, vaccine counseling, invento-  
39 ry management and routine nursing activities based on the current year's  
40 medicare rates as published by the United States centers for medicare  
41 and medicaid services;

42 § 5. Subparagraph (C) of paragraph 2 of subsection (j) of section 4303  
43 of the insurance law, as amended by chapter 219 of the laws of 2011, is  
44 amended to read as follows:

45 (C) necessary immunizations, as determined by the superintendent in  
46 consultation with the commissioner of health, consisting of at least  
47 adequate dosages of vaccine against diphtheria, pertussis, tetanus,  
48 polio, measles, rubella, mumps, haemophilus influenzae type b and hepa-  
49 titis b, which meet the standards approved by the United States public  
50 health service for such biological products, including reimbursement to  
51 the health care provider for the acquisition costs of the vaccine,  
52 according to the current or most recently reported United States centers  
53 for disease control and prevention private sector cost plus a minimum of  
54 twenty-one percent for shipping, handling and storage costs, and the  
55 total cost of administration of the vaccine, including the cost of  
56 supplies, data entry, vaccine counseling, inventory management and

1 routine nursing activities based on the current year's medicare rates as  
2 published by the United States centers for medicare and medicaid  
3 services.

4 § 6. Subparagraph (B) of paragraph 3 of subsection (j) of section 4303  
5 of the insurance law, as added by chapter 219 of the laws of 2011, is  
6 amended to read as follows:

7 (B) immunizations that have in effect a recommendation from the advi-  
8 sory committee on immunization practices of the centers for disease  
9 control and prevention with respect to the individual involved, includ-  
10 ing reimbursement to the health care provider for the acquisition costs  
11 of the vaccine, according to the current or most recently reported  
12 United States centers for disease control and prevention private sector  
13 cost plus a minimum of twenty-one percent for shipping, handling and  
14 storage costs, and the total cost of administration of the vaccine,  
15 including the cost of supplies, data entry, vaccine counseling, invento-  
16 ry management and routine nursing activities based on the current year's  
17 medicare rates as published by the United States centers for medicare  
18 and medicaid services;

19 § 7. This act shall take effect on the first of January after it shall  
20 have become a law and shall apply to any contract entered into, deliv-  
21 ered, amended or modified on or after the date it takes effect.