STATE OF NEW YORK

8584

IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the insurance law, in relation to medical assistance coverage for medically tailored meals and medical nutrition therapy for the purpose of disease management

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 21-a to read as follows:

(21-a) (A) For purposes of this paragraph:

(i) "Medically tailored meals" and "medical nutrition therapy" means a nutritional assessment, nutritional therapy, and nutritional counseling provided by a certified dietician, certified nutritionist, or a medical doctor, including the provision of any food indicated by a nutritional assessment and the delivery of such food, ordered by a health care professional acting within his or her lawful scope of practice pursuant to title eight of the education law, for the purpose of treating one or more chronic conditions that an individual is diagnosed with.

(ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease and other dementias.

(iii) "Managed care product" means a policy which requires that medical or other health care services covered under the policy, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network. In addition, a managed care product shall also mean the in-network portion of a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network, in order for the insured to be entitled to the maximum reimbursement under the contract.

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

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(iv) "Medically tailored meal vendor" is a vendor that provides medically tailored meals according to the specifications in a prescription from a certified dietician, certified nutritionist, or a medical doctor.

(B) Every policy which is a managed care product as defined in clause (iii) of subparagraph (A) of this paragraph that provides coverage for physician services in a physician's office, and every policy which is a managed care product that provides major medical or similar comprehensive-type coverage, shall include coverage for medically tailored meals and medical nutrition therapy as defined in clause (i) of subparagraph (A) of this paragraph, provided by a certified dietician or certified nutritionist licensed pursuant to section eight thousand four of the education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical doctor, in connection with the management or treatment of one or more chronic conditions.

(C) Individual coverage is limited per medical diagnosis of one chronic condition. Covered individuals may receive coverage of a maximum of ten meals per week for a maximum duration of three months from the date the individual receives its first meal prescription per a diagnosis of a chronic condition. An individual may renew medically tailored meal coverage with an assessment and renewed prescription from a certified dietician, certified nutritionist or medical doctor. The managed care product shall provide coverage for meals that comply with the medically tailored meal prescription from a pre-approved medically tailored meal vendor. The medically tailored meal vendor shall have a certified dietician, certified nutritionist or medical doctor review and approve the menus provided in response to a prescription for medically tailored meals. All medically tailored meal vendors shall be pre-approved by the managed care plan.

(D) Medically tailored meals and medical nutrition therapy services may be subject to reasonable deductible, co-payment and co-insurance amounts, reasonable fee or benefit limits, and reasonable utilization review, provided that any such amounts, limits and review: (i) shall not function to direct treatment in a manner discriminative against medically tailored meals and medical nutritional therapy care, and (ii) individually and collectively shall be no more restrictive than those applicable under the same policy to care or services provided by other health professionals in the diagnosis, treatment and management of chronic diseases. Nothing herein contained shall be construed as impeding or preventing either the provision or coverage of medically tailored meals and medical nutritional therapy care and services by a duly certified dietician, certified nutritionist or medical doctor, within the lawful scope of their practice, in hospital facilities on a staff or employee basis.

(E) The coverage required by this paragraph shall not be abridged by any regulation promulgated by the superintendent.

§ 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 11-a to read as follows:

(11-a) (A) For purposes of this paragraph:

(i) "Medically tailored meals" and "medical nutrition therapy" means a nutritional assessment, nutritional therapy, and nutritional counseling provided by a certified dietician, certified nutritionist, or a medical doctor, including the provision of any food indicated by a nutritional assessment and the delivery of such food, ordered by a health care professional acting within his or her lawful scope of practice pursuant to title eight of the education law, for the purpose of treating one or more chronic conditions that an individual is diagnosed with.

(ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease and other dementias.

(iii) "Managed care product" means a policy which requires that medical or other health care services covered under the policy, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network. In addition, a managed care product shall also mean the in-network portion of a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network, in order for the insured to be entitled to the maximum reimbursement under the contract.

(iv) "Medically tailored meal vendor" is a vendor that provides medically tailored meals according to the specifications in a prescription from a certified dietician, certified nutritionist, or a medical doctor.

(B) Every policy which is a managed care product as defined in clause (iii) of subparagraph (A) of this paragraph that provides coverage for physician services in a physician's office, and every policy which is a managed care product that provides major medical or similar comprehensive-type coverage, shall include coverage for medically tailored meals and medical nutrition therapy as defined in clause (i) of subparagraph (A) of this paragraph, provided by a certified dietician or certified nutritionist licensed pursuant to section eight thousand four of the education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical doctor, in connection with the management or treatment of one or more chronic conditions.

(C) Individual coverage is limited per medical diagnosis of one chronic condition. Covered individuals may receive coverage of a maximum of ten meals per week for a maximum duration of three months from the date the individual receives its first meal prescription per a diagnosis of a chronic condition. An individual may renew medically tailored meal coverage with an assessment and renewed prescription from a certified dietician, certified nutritionist or medical doctor. The managed care product shall provide coverage for meals that comply with the medically tailored meal prescription from a pre-approved medically tailored meal vendor. The medically tailored meal vendor shall have a certified dietician, certified nutritionist or medical doctor review and approve the menus provided in response to a prescription for medically tailored meals. All medically tailored meal vendors shall be pre-approved by the managed care plan.

(D) Medically tailored meals and medical nutrition therapy services may be subject to reasonable deductible, co-payment and co-insurance amounts, reasonable fee or benefit limits, and reasonable utilization review, provided that any such amounts, limits and review: (i) shall not function to direct treatment in a manner discriminative against medically tailored meals and medical nutritional therapy care, and (ii) individually and collectively shall be no more restrictive than those applicable under the same policy to care or services provided by other health professionals in the diagnosis, treatment and management of chronic diseases. Nothing herein contained shall be construed as impeding or preventing either the provision or coverage of medically tailored meals and medical nutritional therapy care and services by a duly certified dietician, certified nutritionist or medical doctor, within the lawful scope of their practice, in hospital facilities on a staff or employee basis.

(E) The coverage required by this paragraph shall not be abridged by any regulation promulgated by the superintendent.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (y-1) to read as follows:

(y-1) (A) For purposes of this subsection:

(i) "Medically tailored meals" and "medical nutrition therapy" means a nutritional assessment, nutritional therapy, and nutritional counseling provided by a certified dietician, certified nutritionist, or a medical doctor, including the provision of any food indicated by a nutritional assessment and the delivery of such food, ordered by a health care professional acting within his or her lawful scope of practice pursuant to title eight of the education law, for the purpose of treating one or more chronic conditions that an individual is diagnosed with.

(ii) "Chronic condition" means cancer, diabetes, Alzheimer's disease and other dementias.

(iii) "Managed care product" means a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network. In addition, a managed care product shall also mean the in-network portion of a contract which requires that medical or other health care services covered under the contract, other than emergency care services, be provided by, or pursuant to a referral from, a primary care provider, and that services provided pursuant to such a referral be rendered by a health care provider participating in the insurer's managed care provider network, in order for the insured to be entitled to the maximum reimbursement under the contract.

(iv) "Medically tailored meal vendor" is a vendor that provides medically tailored meals according to the specifications in a prescription from a certified dietician, certified nutritionist, or a medical doctor.

(B) Every contract issued by a health service corporation or a medical expense indemnity corporation which is a managed care product as defined in subparagraph (iii) of paragraph (A) of this subsection that provides coverage for physician services in a physician's office, and every managed care product that provides major medical or similar comprehensive-type coverage, shall include coverage for medically tailored meals and medical nutrition therapy as defined in subparagraph (i) of paragraph (A) of this subsection, provided by a certified dietician or certified nutritionist licensed pursuant to section eight thousand four of the education law and pursuant to 8 NYCCR 52.5 and 8 NYCRR 79-6 or a medical doctor, in connection with the management or treatment of one or more chronic conditions.

(C) Individual coverage is limited per medical diagnosis of one chronic condition. Covered individuals may receive coverage of a maximum of ten meals per week for a maximum duration of three months from the date the individual receives its first meal prescription per a diagnosis of a chronic condition. An individual may renew medically tailored meal

coverage with an assessment and renewed prescription from a certified dietician, certified nutritionist or medical doctor. The managed care product shall provide coverage for meals that comply with the medically tailored meal prescription from a pre-approved medically tailored meal vendor. The medically tailored meal vendor shall have a certified dietician, certified nutritionist or medical doctor review and approve the menus provided in response to a prescription for medically tailored meals. All medically tailored meal vendors shall be pre-approved by the managed care plan.

(D) Medically tailored meals and medical nutrition therapy services may be subject to reasonable deductible, co-payment and co-insurance amounts, reasonable fee or benefit limits, and reasonable utilization review, provided that any such amounts, limits and review: (i) shall not function to direct treatment in a manner discriminative against medically tailored meals and medical nutritional therapy care, and (ii) individually and collectively shall be no more restrictive than those applicable under the same contract to care or services provided by other health professionals in the diagnosis, treatment and management of chronic diseases. Nothing herein contained shall be construed as impeding or preventing either the provision or coverage of medically tailored meals and medical nutritional therapy care and services by a duly certified dietician, certified nutritionist or medical doctor, within the lawful scope of their practice, in hospital facilities on a staff or employee basis.

(E) The coverage required by this subsection shall not be abridged by any regulation promulgated by the superintendent.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.