

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:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 21-a to read as follows:

3 (21-a) (A) For purposes of this paragraph:

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

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

14 (iii) "Managed care product" means a policy which requires that
15 medical or other health care services covered under the policy, other
16 than emergency care services, be provided by, or pursuant to a referral
17 from, a primary care provider, and that services provided pursuant to
18 such a referral be rendered by a health care provider participating in
19 the insurer's managed care provider network. In addition, a managed care
20 product shall also mean the in-network portion of a contract which
21 requires that medical or other health care services covered under the
22 contract, other than emergency care services, be provided by, or pursu-
23 ant to a referral from, a primary care provider, and that services
24 provided pursuant to such a referral be rendered by a health care
25 provider participating in the insurer's managed care provider network,
26 in order for the insured to be entitled to the maximum reimbursement
27 under the contract.

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

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

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

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

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

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

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

49 (11-a) (A) For purposes of this paragraph:

50 (i) "Medically tailored meals" and "medical nutrition therapy" means a
51 nutritional assessment, nutritional therapy, and nutritional counseling
52 provided by a certified dietician, certified nutritionist, or a medical
53 doctor, including the provision of any food indicated by a nutritional
54 assessment and the delivery of such food, ordered by a health care
55 professional acting within his or her lawful scope of practice pursuant

1 to title eight of the education law, for the purpose of treating one or
2 more chronic conditions that an individual is diagnosed with.

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

5 (iii) "Managed care product" means a policy which requires that
6 medical or other health care services covered under the policy, other
7 than emergency care services, be provided by, or pursuant to a referral
8 from, a primary care provider, and that services provided pursuant to
9 such a referral be rendered by a health care provider participating in
10 the insurer's managed care provider network. In addition, a managed care
11 product shall also mean the in-network portion of a contract which
12 requires that medical or other health care services covered under the
13 contract, other than emergency care services, be provided by, or pursu-
14 ant to a referral from, a primary care provider, and that services
15 provided pursuant to such a referral be rendered by a health care
16 provider participating in the insurer's managed care provider network,
17 in order for the insured to be entitled to the maximum reimbursement
18 under the contract.

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

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

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

48 (D) Medically tailored meals and medical nutrition therapy services
49 may be subject to reasonable deductible, co-payment and co-insurance
50 amounts, reasonable fee or benefit limits, and reasonable utilization
51 review, provided that any such amounts, limits and review: (i) shall not
52 function to direct treatment in a manner discriminative against
53 medically tailored meals and medical nutritional therapy care, and (ii)
54 individually and collectively shall be no more restrictive than those
55 applicable under the same policy to care or services provided by other
56 health professionals in the diagnosis, treatment and management of

1 chronic diseases. Nothing herein contained shall be construed as imped-
2 ing or preventing either the provision or coverage of medically tailored
3 meals and medical nutritional therapy care and services by a duly certi-
4 fied dietician, certified nutritionist or medical doctor, within the
5 lawful scope of their practice, in hospital facilities on a staff or
6 employee basis.

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

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

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

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

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

22 (iii) "Managed care product" means a contract which requires that
23 medical or other health care services covered under the contract, other
24 than emergency care services, be provided by, or pursuant to a referral
25 from, a primary care provider, and that services provided pursuant to
26 such a referral be rendered by a health care provider participating in
27 the insurer's managed care provider network. In addition, a managed care
28 product shall also mean the in-network portion of a contract which
29 requires that medical or other health care services covered under the
30 contract, other than emergency care services, be provided by, or pursu-
31 ant to a referral from, a primary care provider, and that services
32 provided pursuant to such a referral be rendered by a health care
33 provider participating in the insurer's managed care provider network,
34 in order for the insured to be entitled to the maximum reimbursement
35 under the contract.

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

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

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

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

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

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

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