STATE OF NEW YORK

5132

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to creating esophageal cancer educational pamphlets and requiring esophageal cancer testing and treatments be covered by certain insurance plans

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

Section 1. The public health law is amended by adding a new section 2404-e to read as follows:

§ 2404-e. Esophageal cancer; duty to inform. 1. The commissioner shall develop a standardized written summary and educational pamphlet, in plain non-technical language, which shall explain the following:

(a) the symptoms and risk factors for esophageal cancer;

(b) the available methods for the detection and diagnosis of esophageal cancer, including information on the relative accuracy of the available detection and diagnostic techniques;

(c) the availability of insurance coverage for diagnostic screening for esophageal cancer without cost sharing pursuant to paragraph thirty-nine of subsection (i) of section three thousand two hundred sixteen, paragraph twenty-two of subsection (l) of section three thousand two hundred twenty-one and subsection (uu) of section four thousand three hundred three of the insurance law; and

(d) the alternative medically viable methods of treating esophageal cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The summary shall contain information on esophageal post-treatment risks and other pertinent information to aid a person in deciding a course of treatment. The summary shall be updated as is necessary.

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

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2. The summary shall be provided to any health care provider or practitioner providing medical treatment in accordance with subdivision three of this section.

3. The standardized written summary and educational pamphlet provided for by subdivision one of this section may be provided by a health care provider to each person under his or her care. Health care providers shall provide to and discuss with each person under his or her care the standardized written summary and educational pamphlet where such person is or may be at risk for esophageal cancer or who has been diagnosed to be afflicted with esophageal cancer upon said diagnosis, or as soon thereafter as practicable. A person shall be deemed at risk for esophageal cancer where such person has a family history of esophageal cancer.

4. Nothing in this section shall be construed to create a cause of action for lack of informed consent in any instance in which such cause of action would be limited by section twenty-eight hundred five-d of this chapter.

5. The commissioner shall have the written summary, required by this section, completed and prepared for distribution on or before January first, two thousand twenty-four.

§ 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39) Every policy that provides coverage for hospital, surgical or medical care shall provide coverage for the screening and treatment of esophageal cancer when deemed necessary by a health care provider.

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

(22) Every insurer delivering a group or blanket policy or issuing a group or blanket policy for delivery in this state that provides coverage for hospital, surgical or medical care shall provide coverage for the screening and treatment of esophageal cancer when deemed necessary by a health care provider.

§ 4. Section 4303 of the insurance law is amended by adding a new subsection (uu) to read as follows:

(uu) A medical expense indemnity corporation, a hospital service corporation or a health service corporation that provides coverage for hospital, surgical or medical care shall provide coverage for the screening and treatment of esophageal cancer when deemed necessary by a health care provider.

§ 5. This act shall take effect immediately and shall apply to policies and contracts issued, renewed, modified, altered or amended on and after such date.