# STATE OF NEW YORK

6038

2023-2024 Regular Sessions

# IN SENATE

March 27, 2023

Introduced by Sens. PARKER, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandatory health insurance coverage for acupuncture services

**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 39 to read as follows:

**(39) Every policy issued within the health benefit exchange established pursuant to section 1311 of the affordable care act, 42 U.S.C. § 18031, shall provide coverage for acupuncture treatment as defined in section eight thousand two hundred eleven of the education law provided by an individual licensed, authorized, or certified pursuant to article one hundred sixty of the education law. However, acupuncture treatment and services may be subject to reasonable deductible, co-payment and co-insurance amount, reasonable fee or benefit limits, and reasonable utilization review, provided that any such amounts, limits or review shall be no greater than other essential health benefits covered by the policy and provided further that any such amounts, limits, or review shall not function to direct treatment in a manner discriminative against acupuncture treatment. Nothing herein shall be construed as impending or preventing either the provision or coverage of acupuncture treatment and services by duly licensed or certified acupuncturist, within the lawful scope of the practice of acupuncture, in hospital facilities on a staff or employee basis.**

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

**(vv) Every policy issued within the health benefit exchange established pursuant to section 1311 of the affordable care act, 42 U.S.C. § 18031, shall provide coverage for acupuncture treatment as defined in section eight thousand two hundred eleven of the education law provided**

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

LBD03036-02-3

by an individual licensed, authorized, or certified pursuant to article one hundred sixty of the education law. However, acupuncture treatment and services may be subject to reasonable deductible, co-payment and co-insurance amount, reasonable fee or benefit limits, and reasonable utilization review, provided that any such amounts, limits or review shall be no greater than other essential health benefits covered by the policy and provided further that any such amounts, limits, or review shall not function to direct treatment in a manner discriminative against acupuncture treatment. Nothing herein shall be construed as impeding or preventing either the provision or coverage of acupuncture treatment and services by duly licensed or certified acupuncturists, within the lawful scope of the practice of acupuncture, in hospital facilities on a staff or employees basis.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.