

STATE OF NEW YORK

8959

IN SENATE

April 3, 2024

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

AN ACT to amend the social services law and the insurance law, in relation to requiring comprehensive coverage for treatment of obesity

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

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (nn) to read as follows:

(nn) (i) Comprehensive coverage for treatment of obesity, which shall include coverage for prevention and wellness, nutrition counseling, intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication. For purposes of this paragraph, "FDA-approved anti-obesity medication" shall mean any medication approved by the federal food and drug administration with an indication for chronic weight management in patients with obesity.

(ii) Coverage criteria for FDA-approved anti-obesity medications provided under this paragraph shall not be more restrictive than the FDA-approved indications for such treatments.

(iii) Coverage under this paragraph shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

(iv) Nothing shall preclude the undertaking of utilization management to determine the medical necessity for treatment of obesity under this paragraph, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

(v) The department shall provide notice to eligible persons regarding the coverage required by this paragraph. The notice shall be in writing and shall be prominently positioned in any literature or correspondence sent to members and shall be transmitted to members within the calendar

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

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1 year when annual information is made available to eligible persons, or
2 in any other mailing or communication to eligible persons.

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

5 (39) (A) Every policy which provides medical, major medical, or simi-
6 lar comprehensive-type coverage shall provide comprehensive coverage for
7 treatment of obesity, which shall include coverage for prevention and
8 wellness, nutrition counseling, intensive behavioral therapy, bariatric
9 surgery, and FDA-approved anti-obesity medication. For purposes of this
10 paragraph, "FDA-approved anti-obesity medication" shall mean any medica-
11 tion approved by the federal food and drug administration with an indi-
12 cation for chronic weight management in patients with obesity.

13 (B) Coverage criteria for FDA-approved anti-obesity medications
14 provided under this paragraph shall not be more restrictive than the
15 FDA-approved indications for those treatments.

16 (C) Coverage under this paragraph shall neither be different nor sepa-
17 rate from coverage for any other illness, condition, or disorder for
18 purposes of determining deductibles, lifetime dollar limits, copayment
19 and coinsurance factors, and benefit year maximum for deductibles and
20 copayment and coinsurance factors.

21 (D) Nothing shall preclude the undertaking of utilization management
22 to determine the medical necessity for treatment of obesity under this
23 paragraph, provided that all such appropriateness and medical necessity
24 determinations are made in the same manner as those determinations are
25 made for the treatment of any other illness, condition, or disorder
26 covered by such policy, contract, or plan.

27 (E) The insurer shall provide notice to covered persons regarding the
28 coverage required by this paragraph. The notice shall be in writing and
29 shall be prominently positioned in any literature or correspondence sent
30 to members and shall be transmitted to members within the calendar year
31 when annual information is made available to covered persons, or in any
32 other mailing or communication to covered persons.

33 § 3. Subsection (1) of section 3221 of the insurance law is amended by
34 adding a new paragraph 22 to read as follows:

35 (22) (A) Every insurer delivering a group or blanket policy for deliv-
36 ery in this state that provides medical, major medical, or similar
37 comprehensive-type coverage shall provide comprehensive coverage for
38 treatment of obesity, which shall include coverage for prevention and
39 wellness, nutrition counseling, intensive behavioral therapy, bariatric
40 surgery, and FDA-approved anti-obesity medication. For purposes of this
41 paragraph, "FDA-approved anti-obesity medication" shall mean any medica-
42 tion approved by the federal food and drug administration with an indi-
43 cation for chronic weight management in patients with obesity.

44 (B) Coverage criteria for FDA-approved anti-obesity medications
45 provided under this paragraph shall not be more restrictive than the
46 FDA-approved indications for those treatments.

47 (C) Coverage under this paragraph shall neither be different nor sepa-
48 rate from coverage for any other illness, condition, or disorder for
49 purposes of determining deductibles, lifetime dollar limits, copayment
50 and coinsurance factors, and benefit year maximum for deductibles and
51 copayment and coinsurance factors.

52 (D) Nothing shall preclude the undertaking of utilization management
53 to determine the medical necessity for treatment of obesity under this
54 paragraph, provided that all such appropriateness and medical necessity
55 determinations are made in the same manner as those determinations are

1 made for the treatment of any other illness, condition, or disorder
2 covered by such policy, contract, or plan.

3 (E) The insurer shall provide notice to covered persons regarding the
4 coverage required by this paragraph. The notice shall be in writing and
5 shall be prominently positioned in any literature or correspondence sent
6 to members and shall be transmitted to members within the calendar year
7 when annual information is made available to covered persons, or in any
8 other mailing or communication to covered persons.

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

11 (vv) (1) Every policy which provides medical, major medical, or simi-
12 lar comprehensive-type coverage shall provide comprehensive coverage for
13 treatment of obesity, which shall include coverage for prevention and
14 wellness, nutrition counseling, intensive behavioral therapy, bariatric
15 surgery, and FDA-approved anti-obesity medication. For purposes of this
16 subsection, "FDA-approved anti-obesity medication" shall mean any medi-
17 cation approved by the federal food and drug administration with an
18 indication for chronic weight management in patients with obesity.

19 (2) Coverage criteria for FDA-approved anti-obesity medications
20 provided under this subsection shall not be more restrictive than the
21 FDA-approved indications for those treatments.

22 (3) Coverage under this subsection shall neither be different nor
23 separate from coverage for any other illness, condition, or disorder for
24 purposes of determining deductibles, lifetime dollar limits, copayment
25 and coinsurance factors, and benefit year maximum for deductibles and
26 copayment and coinsurance factors.

27 (4) Nothing shall preclude the undertaking of utilization management
28 to determine the medical necessity for treatment of obesity under this
29 subsection, provided that all such appropriateness and medical necessity
30 determinations are made in the same manner as those determinations are
31 made for the treatment of any other illness, condition, or disorder
32 covered by such policy, contract, or plan.

33 (5) The insurer shall provide notice to covered persons regarding the
34 coverage required by this subsection. The notice shall be in writing and
35 shall be prominently positioned in any literature or correspondence sent
36 to members and shall be transmitted to members within the calendar year
37 when annual information is made available to covered persons, or in any
38 other mailing or communication to covered persons.

39 § 5. This act shall take effect on the one hundred eightieth day after
40 it shall have become a law and shall apply to any policy issued, deliv-
41 ered, renewed, and/or modified on or after the effective date of this
42 act.