

STATE OF NEW YORK

5255--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. REYES, LUPARDO, SEAWRIGHT, SIMON, FORREST, DINOW-ITZ, ZINERMAN, MEEKS, JACKSON, DAVILA -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Paragraph (r) of subdivision 2 of section 365-a of the
2 social services law, as added by section 32 of part C of chapter 58 of
3 the laws of 2008, is amended to read as follows:
4 (r) asthma self-management training services for persons or parents of
5 persons diagnosed with asthma including information on proper use of
6 devices such as spacers, valved holding chambers and masks, and triggers
7 in the environment which should be avoided or managed, when such
8 services are ordered by a physician, registered physician's assistant,
9 registered nurse practitioner, or licensed midwife and provided by a
10 licensed, registered, or certified health care professional, as deter-
11 mined by the commissioner of health, who is certified as an asthma
12 educator by the National Asthma Educator Certification Board, or a
13 successor national certification board; provided, however, that the
14 provisions of this paragraph shall not take effect unless all necessary
15 approvals under federal law and regulation have been obtained to receive
16 federal financial participation in the costs of health care services
17 provided pursuant to this paragraph. Nothing in this paragraph shall be
18 construed to modify any licensure, certification or scope of practice
19 provision under title eight of the education law.

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

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1 § 2. Subparagraph (B) of paragraph 41 of subsection (i) of section
2 3216 of the insurance law, as added by chapter 504 of the laws of 2025,
3 is amended to read as follows:

4 (B) Coverage shall be provided for one form of rescue and one form of
5 maintenance inhaler [~~that shall not be subject to a deductible, copay-~~
6 ~~ment, coinsurance or any other cost-sharing requirement~~]. Coverage for
7 children under nineteen years of age shall also include a second rescue
8 and maintenance inhaler, along with any medically necessary devices.
9 Coverage shall also include any device deemed medically necessary for
10 assisting in the administration of such medications, including but not
11 limited to: spacers, valved holding chambers, or masks and other similar
12 devices. None of these coverage requirements shall be subject to a
13 deductible, copayment, coinsurance, or any other cost-sharing require-
14 ment.

15 § 3. Subparagraph (B) of paragraph 23 of subsection (l) of section
16 3221 of the insurance law, as added by chapter 504 of the laws of 2025,
17 is amended to read as follows:

18 (B) Coverage shall be provided for one form of rescue and one form of
19 maintenance inhaler [~~that shall not be subject to a deductible, copay-~~
20 ~~ment, coinsurance or any other cost-sharing requirement~~]. Coverage for
21 children under nineteen years of age shall also include a second rescue
22 and maintenance inhaler, along with any medically necessary devices.
23 Coverage shall also include any device deemed medically necessary for
24 assisting in the administration of such medications, including but not
25 limited to: spacers, valved holding chambers, or masks and other similar
26 devices. None of these coverage requirements shall be subject to a
27 deductible, copayment, coinsurance, or any other cost-sharing require-
28 ment.

29 § 4. Paragraph 2 of subsection (ww) of section 4303 of the insurance
30 law, as added by chapter 504 of the laws of 2025, is amended to read as
31 follows:

32 (2) Coverage shall be provided for one form of rescue and one form of
33 maintenance inhaler [~~that shall not be subject to a deductible, copay-~~
34 ~~ment, coinsurance or any other cost-sharing requirement~~]. Coverage for
35 children under nineteen years of age shall also include a second rescue
36 and maintenance inhaler, along with any medically necessary devices.
37 Coverage shall also include any device deemed medically necessary for
38 assisting in the administration of such medications, including but not
39 limited to: spacers, valved holding chambers, or masks and other similar
40 devices. None of these coverage requirements shall be subject to a
41 deductible, copayment, coinsurance, or any other cost-sharing require-
42 ment.

43 § 5. This act shall take effect on the first of January next succeed-
44 ing the date on which it shall have become a law and shall apply to all
45 policies issued, renewed, altered or modified on or after such date;
46 provided, however, that if chapter 504 of the laws of 2025 shall not
47 have taken effect on or before such date then sections two, three and
48 four of this act shall take effect on the same date and in the same
49 manner as such chapter of the laws of 2025 takes effect.