

STATE OF NEW YORK

3207

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

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 such health care professional's lawful scope
10 of practice pursuant to title eight of the education law, for the
11 purpose of treating one or more chronic conditions that an individual is
12 diagnosed with.

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

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

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

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1 provided pursuant to such a referral be rendered by a health care
2 provider participating in the insurer's managed care provider network,
3 in order for the insured to be entitled to the maximum reimbursement
4 under the contract.

5 (iv) "Medically tailored meal vendor" is a vendor that provides
6 medically tailored meals according to the specifications in a
7 prescription from a certified dietician, certified nutritionist, or a
8 medical doctor.

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

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

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

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

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

53 (11-a) (A) For purposes of this paragraph:

54 (i) "Medically tailored meals" and "medical nutrition therapy" means a
55 nutritional assessment, nutritional therapy, and nutritional counseling
56 provided by a certified dietician, certified nutritionist, or a medical

1 doctor, including the provision of any food indicated by a nutritional
2 assessment and the delivery of such food, ordered by a health care
3 professional acting within such health care professional's lawful scope
4 of practice pursuant to title eight of the education law, for the
5 purpose of treating one or more chronic conditions that an individual is
6 diagnosed with.

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

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

23 (iv) "Medically tailored meal vendor" is a vendor that provides
24 medically tailored meals according to the specifications in a
25 prescription from a certified dietician, certified nutritionist, or a
26 medical doctor.

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

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

52 (D) Medically tailored meals and medical nutrition therapy services
53 may be subject to reasonable deductible, co-payment and co-insurance
54 amounts, reasonable fee or benefit limits, and reasonable utilization
55 review, provided that any such amounts, limits and review: (i) shall not
56 function to direct treatment in a manner discriminative against

1 medically tailored meals and medical nutritional therapy care, and (ii)
2 individually and collectively shall be no more restrictive than those
3 applicable under the same policy to care or services provided by other
4 health professionals in the diagnosis, treatment and management of
5 chronic diseases. Nothing herein contained shall be construed as imped-
6 ing or preventing either the provision or coverage of medically tailored
7 meals and medical nutritional therapy care and services by a duly certi-
8 fied dietician, certified nutritionist or medical doctor, within the
9 lawful scope of their practice, in hospital facilities on a staff or
10 employee basis.

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

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

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

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

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

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

41 (iv) "Medically tailored meal vendor" is a vendor that provides
42 medically tailored meals according to the specifications in a
43 prescription from a certified dietician, certified nutritionist, or a
44 medical doctor.

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

1 (C) Individual coverage is limited per medical diagnosis of one chronic
2 condition. Covered individuals may receive coverage of a maximum of
3 ten meals per week for a maximum duration of three months from the date
4 the individual receives its first meal prescription per a diagnosis of a
5 chronic condition. An individual may renew medically tailored meal
6 coverage with an assessment and renewed prescription from a certified
7 dietician, certified nutritionist or medical doctor. The managed care
8 product shall provide coverage for meals that comply with the medically
9 tailored meal prescription from a pre-approved medically tailored meal
10 vendor. The medically tailored meal vendor shall have a certified dieti-
11 cian, certified nutritionist or medical doctor review and approve the
12 menus provided in response to a prescription for medically tailored
13 meals. All medically tailored meal vendors shall be pre-approved by the
14 managed care plan.

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

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

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