

S T A T E O F N E W Y O R K

3652

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I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. O'DONNELL, PHEFFER, GOTTFRIED, BING, GREENE, GUNTHER, KELLNER, DINOWITZ -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, CLARK, COLTON, DIAZ, ERRIGO, GLICK, V. LOPEZ, SEMINERIO, TITUS, WALKER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to medical coverage for certain diagnostic tests for diabetes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraph (A) of paragraph 15-a of subsection (i) of  
2 section 3216 of the insurance law, as amended by chapter 338 of the laws  
3 of 2003, is amended to read as follows:

4 (A) Every policy which provides medical coverage that includes cover-  
5 age for physician services in a physician's office and every policy  
6 which provides major medical or similar comprehensive-type coverage  
7 shall include coverage for the following equipment [and], supplies AND  
8 TESTS for the treatment, DIAGNOSIS AND PREVENTION of diabetes, if recom-  
9 mended or prescribed by a physician or other licensed health care  
10 provider legally authorized to prescribe under title eight of the educa-  
11 tion law: blood glucose monitors and blood glucose monitors for the  
12 visually impaired, data management systems, test strips for glucose  
13 monitors and visual reading and urine testing strips, insulin, injection  
14 aids, cartridges for the visually impaired, syringes, insulin pumps and  
15 appurtenances thereto, insulin infusion devices, [and] oral agents for  
16 controlling blood sugar AND GLYCATED HEMOGLOBIN (ALSO KNOW AS A1C) TESTS  
17 UP TO FOUR TIMES PER YEAR. In addition, the commissioner of the depart-  
18 ment of health shall provide and periodically update by rule or regu-  
19 lation a list of additional diabetes equipment and related supplies such  
20 as are medically necessary for the treatment of diabetes, for which  
21 there shall also be coverage. Such policies shall also include coverage  
22 for diabetes self-management education to ensure that persons with

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

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1 diabetes are educated as to the proper self-management and treatment of  
2 their diabetic condition, including information on proper diets. Such  
3 coverage for self-management education and education relating to diet  
4 shall be limited to visits medically necessary upon the diagnosis of  
5 diabetes, where a physician diagnoses a significant change in the  
6 patient's symptoms or conditions which necessitate changes in a  
7 patient's self-management, or where reeducation or refresher education  
8 is necessary. Such education may be provided by the physician or other  
9 licensed health care provider legally authorized to prescribe under  
10 title eight of the education law, or their staff, as part of an office  
11 visit for diabetes diagnosis or treatment, or by a certified diabetes  
12 nurse educator, certified nutritionist, certified dietitian or regis-  
13 tered dietitian upon the referral of a physician or other licensed  
14 health care provider legally authorized to prescribe under title eight  
15 of the education law. Education provided by the certified diabetes nurse  
16 educator, certified nutritionist, certified dietitian or registered  
17 dietitian may be limited to group settings wherever practicable. Cover-  
18 age for self-management education and education relating to diet shall  
19 also include home visits when medically necessary.

20 S 2. Subparagraph (A) of paragraph 7 of subsection (k) of section 3221  
21 of the insurance law, as amended by chapter 338 of the laws of 2003, is  
22 amended to read as follows:

23 (A) Every group or blanket accident and health insurance policy issued  
24 or issued for delivery in this state which provides medical coverage  
25 that includes coverage for physician services in a physician's office  
26 and every policy which provides major medical or similar comprehensive-  
27 type coverage shall include coverage for the following equipment [and],  
28 supplies AND TESTS for the treatment, DIAGNOSIS OR PREVENTION of  
29 diabetes, if recommended or prescribed by a physician or other licensed  
30 health care provider legally authorized to prescribe under title eight  
31 of the education law: blood glucose monitors and blood glucose monitors  
32 for the visually impaired, data management systems, test strips for  
33 glucose monitors and visual reading and urine testing strips, insulin,  
34 injection aids, cartridges for the visually impaired, syringes, insulin  
35 pumps and appurtenances thereto, insulin infusion devices, [and] oral  
36 agents for controlling blood sugar AND GLYCATED HEMOGLOBIN (ALSO KNOWN  
37 AS A1C) TESTS UP TO FOUR TIMES PER YEAR. In addition, the commissioner  
38 of the department of health shall provide and periodically update by  
39 rule or regulation a list of additional diabetes equipment and related  
40 supplies such as are medically necessary for the treatment of diabetes,  
41 for which there shall also be coverage. Such policies shall also include  
42 coverage for diabetes self-management education to ensure that persons  
43 with diabetes are educated as to the proper self-management and treat-  
44 ment of their diabetic condition, including information on proper diets.  
45 Such coverage for self-management education and education relating to  
46 diet shall be limited to visits medically necessary upon the diagnosis  
47 of diabetes, where a physician diagnoses a significant change in the  
48 patient's symptoms or conditions which necessitate changes in a  
49 patient's self-management, or where reeducation or refresher education  
50 is necessary. Such education may be provided by the physician or other  
51 licensed health care provider legally authorized to prescribe under  
52 title eight of the education law, or their staff, as part of an office  
53 visit for diabetes diagnosis or treatment, or by a certified diabetes  
54 nurse educator, certified nutritionist, certified dietitian or regis-  
55 tered dietitian upon the referral of a physician or other licensed  
56 health care provider legally authorized to prescribe under title eight

1 of the education law. Education provided by the certified diabetes nurse  
2 educator, certified nutritionist, certified dietitian or registered  
3 dietitian may be limited to group settings wherever practicable. Cover-  
4 age for self-management education and education relating to diet shall

5 also include home visits when medically necessary.

6 S 3. Paragraph 1 of subsection (u) of section 4303 of the insurance  
7 law, as amended by chapter 338 of the laws of 2003, is amended to read  
8 as follows:

9 (1) A medical expense indemnity corporation or a health service corpo-  
10 ration which provides medical coverage that includes coverage for physi-  
11 cian services in a physician's office and every policy which provides  
12 major medical or similar comprehensive-type coverage shall include  
13 coverage for the following equipment [and], supplies AND TESTS for the  
14 treatment, DIAGNOSIS AND PREVENTION of diabetes, if recommended or  
15 prescribed by a physician or other licensed health care provider legally  
16 authorized to prescribe under title eight of the education law: blood  
17 glucose monitors and blood glucose monitors for the visually impaired,  
18 data management systems, test strips for glucose monitors and visual  
19 reading and urine testing strips, insulin, injection aids, cartridges  
20 for the visually impaired, syringes, insulin pumps and appurtenances  
21 thereto, insulin infusion devices, [and] oral agents for controlling  
22 blood sugar AND GLYCATED HEMOGLOBIN (ALSO KNOWN AS A1C) TESTS UP TO FOUR  
23 TIMES PER YEAR. In addition, the commissioner of the department of  
24 health shall provide and periodically update by rule or regulation a  
25 list of additional diabetes equipment and related supplies such as are  
26 medically necessary for the treatment of diabetes, for which there shall  
27 also be coverage. Such policies shall also include coverage for diabetes  
28 self-management education to ensure that persons with diabetes are  
29 educated as to the proper self-management and treatment of their diabet-  
30 ic condition, including information on proper diets. Such coverage for  
31 self-management education and education relating to diet shall be limit-  
32 ed to visits medically necessary upon the diagnosis of diabetes, where a  
33 physician diagnoses a significant change in the patient's symptoms or  
34 conditions which necessitate changes in a patient's self-management, or  
35 where reeducation or refresher education is necessary. Such education  
36 may be provided by the physician or other licensed health care provider  
37 legally authorized to prescribe under title eight of the education law,  
38 or their staff, as part of an office visit for diabetes diagnosis or  
39 treatment, or by a certified diabetes nurse educator, certified nutri-  
40 tionist, certified dietitian or registered dietitian upon the referral  
41 of a physician or other licensed health care provider legally authorized  
42 to prescribe under title eight of the education law. Education provided  
43 by the certified diabetes nurse educator, certified nutritionist, certi-  
44 fied dietitian or registered dietitian may be limited to group settings  
45 wherever practicable. Coverage for self-management education and educa-  
46 tion relating to diet shall also include home visits when medically  
47 necessary.

48 S 4. This act shall take effect immediately and apply to all contracts  
49 or renewal contracts entered into on and after January first next  
50 succeeding the date on which it shall have become a law.