

STATE OF NEW YORK

2898--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

Introduced by M. of A. CARROLL, EPSTEIN, SHIMSKY, GONZALEZ-ROJAS, McDONALD, DINOWITZ, GALLAGHER, SEAWRIGHT, JEAN-PIERRE, THIELE, CUNNINGHAM, WOERNER, K. BROWN -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring certain insurance policies to cover neuropsychological exams for dyslexia

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

1 Section 1. This act shall be known and may be cited as the "dyslexia
2 diagnosis access act".

3 § 2. Legislative findings and intent. The legislature hereby finds and
4 declares the following:

5 a. Dyslexia is a specific learning disability that is neurobiological
6 in origin. It is characterized by difficulties with accurate and/or
7 fluent word recognition and impaired spelling and decoding abilities.
8 These difficulties typically result from a deficit in the phonological
9 component of language within the brain that is often discordant with the
10 person's intelligence and other cognitive abilities. Secondary effects
11 of undetected and unaddressed dyslexia include anxiety, depression,
12 worsened health, decreased life expectancy, lower education rates,
13 lower employment and income rates, and increased poverty and incarceration
14 rates.

15 b. Studies indicate that as many as one in five children may have
16 dyslexia or another phonemic awareness issue. However, lack of access to
17 appropriate screening and diagnostic testing poses a barrier to compre-
18 hensively tracking the incidence of dyslexia and students are unlikely
19 to receive the intervention required to overcome dyslexia without a
20 positive diagnosis. Comprehensive neuropsychological exams are recog-
21 nized as the most effective way to positively diagnose dyslexia. Such
22 exams are often administered over the course of two days and currently

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

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1 may cost in excess of six thousand dollars but are typically not paid
2 for by health insurance, making them unaffordable to many families.

3 § 3. 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 that provides coverage for physician services,
6 medical, major medical or similar comprehensive-type coverage shall
7 provide coverage for testing for suspected dyslexia in accordance with
8 this paragraph and shall not exclude coverage for the screening, diagno-
9 sis or treatment of medical conditions otherwise covered by the policy.

10 (B) Coverage shall include comprehensive neuropsychological examina-
11 tions for the purposes of diagnosing dyslexia and determining the
12 psychological, emotional, and educational wellness needs of the individ-
13 ual tested.

14 § 4. Section 3221 of the insurance law is amended by adding a new
15 subsection (u) to read as follows:

16 (u) (1) Every policy that provides coverage for physician services,
17 medical, major medical or similar comprehensive-type coverage shall
18 provide coverage for testing for suspected dyslexia in accordance with
19 this subsection and shall not exclude coverage for the screening, diag-
20 nosis or treatment of medical conditions otherwise covered by the poli-
21 cy.

22 (2) Coverage shall include comprehensive neuropsychological examina-
23 tions for the purposes of diagnosing dyslexia and determining the
24 psychological, emotional, and educational wellness needs of the individ-
25 ual tested.

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

28 (vv) (1) Every policy that provides coverage for physician services,
29 medical, major medical or similar comprehensive-type coverage shall
30 provide coverage for testing for suspected dyslexia in accordance with
31 this subsection and shall not exclude coverage for the screening, diag-
32 nosis or treatment of medical conditions otherwise covered by the poli-
33 cy.

34 (2) Coverage shall include comprehensive neuropsychological examina-
35 tions for the purposes of diagnosing dyslexia and determining the
36 psychological, emotional, and educational wellness needs of the individ-
37 ual tested.

38 § 6. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law and shall apply to all
40 policies and contracts issued, renewed, modified, altered, or amended on
41 or after such date. Effective immediately, the addition, amendment
42 and/or repeal of any rule or regulation necessary for the implementation
43 of this act on its effective date are authorized to be made and
44 completed on or before such effective date.