



**STATE OF NEW YORK
INSURANCE DEPARTMENT**
25 BEAVER STREET
NEW YORK, NEW YORK 10004

**Circular Letter No. 16 (2001)
November 1, 2001**

TO: All Insurers Authorized to Write Accident and Health Insurance in New York State, Including Article 43 Corporations and HMOs

RE: Additional Information on Implementation of Chapter 728 of the Laws of 1993, Requiring Coverage for Preventive and Primary Care Services

STATUTORY Insurance Law Sections 3216(i)(17); 3221(l)(8) and 4303(j) and Public Health Law Section 2500-REFERENCE: g.

Chapter 728 of the Laws of 1993 requires that every policy providing medical, major medical or similar comprehensive type coverage provide coverage for preventive and primary care services for dependent children to age nineteen.

The legislation sets forth the preventive and primary care services which must be covered, including well child visits. The schedule of well child visits, as well as the services to be provided at such visits, are to be in accordance with the prevailing clinical standards of a national association of pediatric physicians as designated by the New York State Commissioner of Health. The legislation also requires coverage for necessary immunizations. Coverage shall be provided for preventive and primary care services rendered in a hospital, in a physician's office or in the office of a professional licensed under Article 139 of the Education Law whose scope of practice includes the authority to provide the specified services.

By Circular Letter No. 3 (1994), the Insurance Department advised insurers, Article 43 corporations and HMOs that the standards of the American Academy of Pediatrics had been designated by the Commissioner of Health as the clinical standards to be utilized in determining the schedule of well child visits and the services to be provided at such visits. By Circular Letter No. 34 (2000), the Insurance Department updated the list of covered immunizations.

The purpose of this Circular Letter is to inform all insurers, Article 43 corporations and HMOs that, pursuant to Public Health Law Section 2500-g and as set forth in 10 NYCRR Part 69, the Commissioner of Health implemented a newborn hearing screening program effective October 20, 2001 to screen newborn infants for hearing problems. The Commissioner was advised by the American Academy of Pediatrics that newborn hearing screening constituted a prevailing standard of care endorsed by the Academy. As such, newborn hearing screening services are within the scope of preventive and primary care services covered under the Insurance Law.

Please direct any questions concerning this Circular Letter to:

Deborah A. Kozemko
Associate Insurance Attorney
New York State Insurance Department
Agency Building 1
Empire State Plaza
Albany, NY 12257

or by e-mail to: dkozemko@ins.state.ny.us.

Very truly yours,

Thomas C. Zyra
Co-Chief, Health Bureau
and
Charles S. Henricks
Co-Chief, Health Bureau