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May 21, 2023

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

A.2898A (Carroll)

**MEMORANDUM IN OPPOSITION**

Submitted on behalf of the  
Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield Plans opposes enactment of this legislation, which would expand yet another costly New York insurance coverage mandate; one which will unnecessarily drive up the cost of insurance. Specifically, this Bill requires coverage for comprehensive neuropsychological examinations for the purposes of diagnosing dyslexia. Coverage of such non-medical testing will have an adverse impact on state resources and insurance premiums for New York's policyholders.

1. **Dyslexia Testing Is Not Medical Treatment**

Health insurance coverage is meant to cover medically necessary treatments which are clinically appropriate, evidence-based, testing and treatment of diseases, conditions or injuries requiring medical treatment. Medical necessity plays an integral part in reducing overutilization of resources. The testing for and treatment of non-medical conditions falls outside of the scope of medically necessary treatment and should not be covered by health insurance policies.

Dyslexia is a language-based learning disability. Dyslexia refers to a cluster of symptoms, which result in people having difficulties with specific language skills, particularly reading. Students with dyslexia usually experience difficulties with other language skills such as spelling, writing, and

pronouncing words.<sup>1</sup> *Dyslexia is not a disease, and it is not the result of a brain injury or defect.*<sup>2</sup> Dyslexic people think primarily in pictures, not words, and have difficulty learning to work with symbols such as letters or numerals. Dyslexia is not a neurological disorder or even an impairment, but rather a concession for having cognitive strengths in exploration, big-picture thinking, creativity, and problem-solving that have contributed to human survival amid changing environments.<sup>3</sup>

The sponsor's memo correctly notes that, "Educational research has unequivocally demonstrated that early identification of dyslexia, coupled with intervention and multisensory sequential phonics instruction drastically improves educational outcomes making affordable early diagnosis essential to improving the lives of students with dyslexia and their families." As the memo indicates, research, testing and treatment for dyslexia have been and remain an important part of the education of the, as many as twenty percent, of students with some form of dyslexia – but it is education rather than medical treatment.

Neuropsychological examinations are one tool that can be utilized to identify the underlying cause of a learning disorder, such as dyslexia. These tests evaluate areas of brain function that can affect learning, including;

- attention, which allows a child to focus;
- memory, which enables a child to retain information;
- visual-spatial perception, which helps a child to understand and organize information seen, such as maps, graphs, and grids;
- motor skills, which enable a child to grasp and manipulate objects;
- executive function, which allows a child to plan, organize, and accomplish tasks in a given amount of time.<sup>4</sup>

While these tests may, according to sponsor's memo, cost in excess of six thousand dollars, the tests are educational in nature and not medical. This is why no other state has a mandate for the coverage of testing or treatment for dyslexia on private health insurance and why such testing and treatment is not covered by Medicaid.

## **2. This Bill Results In An Unfunded Mandate That Will Increase Premium Costs, And Further Stretch Healthcare Resources**

New York currently has one of the most extensive lists of health insurance mandates in the nation and a myriad of other bills proposing more mandates has already been introduced during this session. Adding to the state's current list of mandates to encompass non-medical testing for

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<sup>1</sup> International Dyslexia Association <https://dyslexiaida.org/dyslexia-basics/>

<sup>2</sup> Davis Dyslexia Association International <https://www.dyslexia.com/question/dyslexia-is-not-a-disease/>

<sup>3</sup> Dyslexia as an Evolutionary Advantage <https://www.dyslexicadvantage.org/dyslexia-as-an-evolutionary-advantage/>

<sup>4</sup> Diagnosing Learning Disorders in Children <https://nyulangone.org/conditions/learning-disorders-in-children/diagnosis>

dyslexia would result in the inappropriate use of health insurance coverage and increased premiums for policyholders.

Further, neuropsychological examinations for dyslexia are not included in the Essential Health Benefits under the Affordable Care Act. Any health benefits which the State wishes to mandate that are not Essential Health Benefits as prescribed by the ACA must be paid for in full by the State, if such benefits are to be mandated on the State's Health Exchange. Thus, while this Bill's mandate would lead to increased premiums across all lines of health insurance, the cost would be particularly acute for all New Yorkers, as the Bill would require coverage services on the Exchange that the Federal government will not cover, meaning it would need to be entirely funded by taxpayer dollars.

For all the foregoing reasons, the New York Conference of Blue Cross and Blue Shield Plans opposes the enactment of this bill.

Respectfully submitted,

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