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I N   S E N A T E

January 19, 2016

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Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance coverage for substance abuse disorder services

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

1     Section 1. Paragraph 31 of subsection (i) of section 3216 of the  
2 insurance law, as added by chapter 41 of the laws of 2014, is amended to  
3 read as follows:

4     (31) (A) Every policy that provides medical, major medical or similar  
5 comprehensive-type coverage must provide outpatient coverage for the  
6 diagnosis and treatment of substance use disorder, including detoxifica-  
7 tion and rehabilitation services. Such coverage shall not apply finan-  
8 cial requirements or treatment limitations to outpatient substance use  
9 disorder benefits that are more restrictive than the predominant finan-  
10 cial requirements and treatment limitations applied to substantially all  
11 medical and surgical benefits covered by the policy. Further, such  
12 coverage shall be provided consistent with the federal Paul Wellstone  
13 and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008  
14 (29 U.S.C. S 1185a).

15     (B) Coverage under this paragraph may be limited to facilities in New  
16 York state certified by the office of alcoholism and substance abuse  
17 services or licensed by such office as outpatient clinics or medically  
18 supervised ambulatory substance abuse programs and, in other states, to  
19 those which are accredited by the joint commission as alcoholism or  
20 chemical dependence substance abuse treatment programs.

21     (C) Coverage provided under this paragraph may be subject to annual  
22 deductibles and co-insurance as deemed appropriate by the superintendent  
23 and that are consistent with those imposed on other benefits within a  
24 given policy.

25     (D) A policy providing coverage for substance use disorder services  
26 pursuant to this paragraph shall provide up to twenty outpatient visits  
27 per policy or calendar year to an individual who identifies him or  
28 herself as a family member of a person suffering from substance use

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

LBD13539-01-6

1 disorder and who seeks treatment as a family member who is otherwise  
2 covered by the applicable policy pursuant to this paragraph. The cover-  
3 age required by this paragraph shall include treatment as a family  
4 member pursuant to such family member's own policy provided such family  
5 member:

6 (i) does not exceed the allowable number of family visits provided by  
7 the applicable policy pursuant to this paragraph; and

8 (ii) is otherwise entitled to coverage pursuant to this paragraph and  
9 such family member's applicable policy.

10 (E) A POLICY PROVIDING COVERAGE UNDER THIS PARAGRAPH SHALL INCLUDE  
11 COVERAGE FOR AT LEAST NINETY DAYS AT A REHABILITATION FACILITY;  
12 PROVIDED, HOWEVER, THAT ANY STAY IN A REHABILITATION FACILITY REQUIRED  
13 TO BE COVERED PURSUANT TO THIS PARAGRAPH SHALL REQUIRE THE PRESCRIPTION  
14 OF A DOCTOR.

15 S 2. Paragraph 7 of subsection (1) of section 3221 of the insurance  
16 law is amended by adding a new subparagraph (E) to read as follows:

17 (E) A POLICY PROVIDING COVERAGE UNDER THIS PARAGRAPH SHALL INCLUDE  
18 COVERAGE FOR AT LEAST NINETY DAYS AT A REHABILITATION FACILITY;  
19 PROVIDED, HOWEVER, THAT ANY STAY IN A REHABILITATION FACILITY REQUIRED  
20 TO BE COVERED PURSUANT TO THIS PARAGRAPH SHALL REQUIRE THE PRESCRIPTION  
21 OF A DOCTOR.

22 S 3. Subsection (1) of section 4303 of the insurance law is amended by  
23 adding a new paragraph 5 to read as follows:

24 (5) A POLICY PROVIDING COVERAGE UNDER THIS SUBSECTION SHALL INCLUDE  
25 COVERAGE FOR AT LEAST NINETY DAYS AT A REHABILITATION FACILITY;  
26 PROVIDED, HOWEVER, THAT ANY STAY IN A REHABILITATION FACILITY REQUIRED  
27 TO BE COVERED PURSUANT TO THIS PARAGRAPH SHALL REQUIRE THE PRESCRIPTION  
28 OF A DOCTOR.

29 S 4. This act shall take effect on the ninetieth day after it shall  
30 have become a law and shall apply to any policy issued, amended, or  
31 renewed on and after such effective date.