

# STATE OF NEW YORK

877

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

Introduced by Sens. ORTT, AMEDORE, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, the public health law and the insurance law, in relation to prohibiting a provider of health care coverage from requiring providers of behavioral health services to offer all products offered by the provider of health care coverage

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

1 Section 1. Section 365-m of the social services law is amended by  
2 adding a new subdivision 6 to read as follows:

3 6. (a) No managed care provider under section three hundred sixty-  
4 four-j of this title shall by contract or written policy or procedure,  
5 require a behavioral health services provider to participate in the  
6 in-network portion of any product offered by such managed care provider,  
7 other than products under such section. Behavioral health services  
8 providers shall have the right to select by execution of a separate  
9 agreement the products of such managed care provider in which the  
10 provider agrees to participate in the in-network portion.

11 (b) As used in this subdivision, "behavioral health services" means  
12 inpatient and outpatient behavioral health services provided by those  
13 licensed or certified pursuant to article thirty-one or thirty-two of  
14 the mental hygiene law, or programs that are licensed pursuant to both  
15 article thirty-one of the mental hygiene law and article twenty-eight of  
16 the public health law, or certified under both article thirty-two of the  
17 mental hygiene law and article twenty-eight of the public health law.

18 § 2. Section 2511 of the public health law is amended by adding a new  
19 subdivision 22 to read as follows:

20 22. (a) No approved organization shall by contract or written policy  
21 or procedure, require a behavioral health services provider to partic-  
22 ipate in the in-network portion of any product offered by such organiza-  
23 tion, other than products under this title. Behavioral health services  
24 providers shall have the right to select by execution of a separate  
25 agreement the products of such approved organization in which the  
26 provider agrees to participate in the in-network portion.

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

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1 (b) As used in this subdivision, "behavioral health services" means  
2 inpatient and outpatient behavioral health services provided by those  
3 licensed or certified pursuant to article thirty-one or thirty-two of  
4 the mental hygiene law, or programs that are licensed pursuant to both  
5 article thirty-one of the mental hygiene law and article twenty-eight of  
6 this chapter, or certified under both article thirty-two of the mental  
7 hygiene law and article twenty-eight of this chapter.

8 § 3. Section 4406-c of the public health law is amended by adding a  
9 new subdivision 9 to read as follows:

10 9. (a) No health care plan licensed pursuant to this article shall by  
11 contract or written policy or procedure, require a behavioral health  
12 services provider to participate in the in-network portion of any prod-  
13 uct offered by such plan. Behavioral health services providers shall  
14 have the right to select by execution of a separate agreement the  
15 products of such plan in which the provider agrees to participate in the  
16 in-network portion.

17 (b) As used in this subdivision, "behavioral health services" means  
18 inpatient and outpatient behavioral health services provided by those  
19 licensed or certified pursuant to article thirty-one or thirty-two of  
20 the mental hygiene law, or programs that are licensed pursuant to both  
21 article thirty-one of the mental hygiene law and article twenty-eight of  
22 this chapter, or certified under both article thirty-two of the mental  
23 hygiene law and article twenty-eight of this chapter.

24 § 4. Section 3217-b of the insurance law is amended by adding a new  
25 subsection (k) to read as follows:

26 (k) (1) No insurer subject to the provisions of this article shall by  
27 contract, written policy or procedure, require a behavioral health  
28 services provider to participate in the in-network portion of any prod-  
29 uct offered by such insurer. Behavioral health services providers shall  
30 have the right to select by execution of a separate agreement the  
31 products of such insurers in which the provider agrees to participate in  
32 the in-network portion.

33 (2) As used in this subsection, "behavioral health services" means  
34 inpatient and outpatient behavioral health services provided by those  
35 licensed or certified pursuant to article thirty-one or thirty-two of  
36 the mental hygiene law, or programs that are licensed pursuant to both  
37 article thirty-one of the mental hygiene law and article twenty-eight of  
38 the public health law, or certified under both article thirty-two of the  
39 mental hygiene law and article twenty-eight of the public health law.

40 § 5. Section 4325 of the insurance law is amended by adding a new  
41 subsection (l) to read as follows:

42 (l) (1) No corporation organized pursuant to this article shall by  
43 contract, written policy or procedure, require a behavioral health  
44 services provider to participate in the in-network portion of any prod-  
45 uct offered by such corporation. Behavioral health services providers  
46 shall have the right to select by execution of a separate agreement the  
47 products of such corporation in which the provider agrees to participate  
48 in the in-network portion.

49 (2) As used in this subsection, "behavioral health services" means  
50 inpatient and outpatient behavioral health services provided by those  
51 licensed or certified pursuant to article thirty-one or thirty-two of  
52 the mental hygiene law, or programs that are licensed pursuant to both  
53 article thirty-one of the mental hygiene law and article twenty-eight of  
54 the public health law, or certified under both article thirty-two of the  
55 mental hygiene law and article twenty-eight of the public health law.

56 § 6. This act shall take effect immediately.