

STATE OF NEW YORK

1316

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

Introduced by M. of A. CAHILL -- read once and referred 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 11 to read as follows:

10 11. (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 (m) to read as follows:

26 (m) (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 (n) to read as follows:

42 (n) (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.