STATE OF NEW YORK

2715

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. REYES -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to expanding Medicaid coverage to include comprehensive coverage for the treatment of obesity

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

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (nn) to read as follows:

(nn) (i) comprehensive coverage for treatment of obesity, including coverage for intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication, when such services are provided by a health care practitioner licensed, certified, or authorized under title eight of the education law, acting within such practitioner's lawful scope of practice.

(ii) coverage criteria for FDA-approved anti-obesity medications pursuant to subparagraph (i) of this paragraph shall not be more restrictive than the FDA-approved indications for such treatments.

(iii) coverage provided pursuant to this paragraph shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

(iv) nothing in this paragraph shall preclude the undertaking of utilization management to determine the medical necessity for treatment of obesity under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as such determinations are made for the treatment of any other illness, condition, or disorder covered by this section.

(v) the Medicaid program shall provide notice to its enrollees regarding the coverage required by this section. The notice shall be in writ-

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

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ing and prominently positioned in any literature or correspondence sent to enrollees and shall be transmitted to enrollees when annual information is made available to enrollees, or in any other mailing to enrollees, provided that such notice is provided to enrollees enrolled on the effective date of this paragraph no later than one year after such effective date.

(vi) for the purposes of this paragraph, the following terms shall have the following meanings:

(1) "Comprehensive coverage for treatment of obesity" shall include coverage for intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication.

(2) "FDA-approved anti-obesity medication" shall mean any medication approved by the federal food and drug administration with an indication for chronic weight management in patients with obesity.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.