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3051--B

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sens. HARCKHAM, FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, the public health law and the social services law, in relation to setting integrated behavioral health services

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

Section 1. The mental hygiene law is amended by adding a new section 36.08 to read as follows:

§ 36.08 Integrated behavioral health services.

(a) For the purpose of this section "integrated behavioral health services" means the systematic coordination of evidence-based health care services, to include the preventative, diagnostic, therapeutic and rehabilitative care and treatment of mental illness, addiction and the provision of physical health services, otherwise provided by a mental health program licensed pursuant to article thirty-one of this title, or addiction disorder services provided by a provider certified pursuant to article thirty-two of this title to any individual, including children and youth, seeking services regardless of their primary diagnosis; provided, however, that the scope of such services may be restricted pursuant to regulation.

(b) (i) The commissioners of the office of mental health and the office of addiction services and supports are authorized to jointly establish a single license and set of regulations, standards and requirements for the construction, operation, reporting and oversight of

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

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integrated behavioral health services. Such regulations, standards, and requirements shall include, but not be limited to:

(A) scope of integrated behavioral health services;

(B) a joint application review process for integrated behavioral health services;

(C) facilitation of integrated treatment records that comply with applicable federal and state confidentiality requirements;

(D) staffing standards and qualifications for integrated behavioral health services consistent with applicable scope of practice requirements under title eight of the education law;

(E) development of billing and reimbursement structures to enable the provision of integrated behavioral health services to individuals regardless of their primary diagnosis or healthcare complaint, provided however, that reimbursement for integrated behavioral health services shall not be less than the applicable reimbursement pursuant to the ambulatory patient group methodology for the same or similar services when provided by a program licensed pursuant to article thirty-one or certified pursuant to article thirty-two of this title;

(F) physical plant standards;

(G) standards for incident reporting and remediation pursuant to article eleven of the social services law;

(H) patient protections and related safeguards including:

(1) patient rights;

(2) mandatory reporting of child abuse and maltreatment;

(3) reporting of crimes alleged to have occurred against patients;

(4) consent to treatment;

(5) confidentiality of, access to, and sealing of treatment records;

(6) incident notification to parents or guardians of patients; and

(7) any additional standards deemed necessary by the commissioners to ensure the rights and safety of patients are met;

(I) corporate structure and governance;

(J) the suspension, revocation, or limitation of a license issued pursuant to this section; and

(K) utilization review.

(ii) The regulations, standards and requirements for integrated behavioral health services shall, to the extent possible, be in accordance with standards required under article nineteen, twenty-two, thirty-one, thirty-two, and thirty-three of this chapter which would otherwise apply to patients in facilities operated, licensed, or certified as applicable. The commissioners shall be authorized to resolve inconsistencies or conflicts among such regulations, standards, or requirements by regulation.

(c) No provider shall be licensed to provide integrated behavioral health services unless they have sufficiently demonstrated, consistent with the standards and requirements set forth by the commissioners, experience in the delivery of mental health and addiction services.

§ 2. Section 36.06 of the mental hygiene law is amended by adding two new subdivisions (c) and (d) to read as follows:

(c) Providers licensed pursuant to this article shall be considered contracted, licensed, approved or otherwise authorized by the office of addiction services and supports and the office of mental health for the purpose of sections 19.20, 19.20-a, and 31.35 of this chapter, as may be applicable. Providers shall be required to comply with the review of criminal history information, as required in such sections, for prospective employees or volunteers who will have regular and substantial unsu-

1 pervised or unrestricted physical contact with the clients of such
2 provider.

3 (d) The office of addiction services and supports and the office of
4 mental health, in consultation with the justice center for the
5 protection of people with special needs, shall jointly promulgate regu-
6 lations establishing the process by which a provider shall comply with
7 this section.

8 § 3. Subdivision 4 of section 488 of the social services law is
9 amended by adding a new paragraph (a-1) to read as follows:

10 (a-1) an integrated behavioral health services program licensed under
11 section 36.08 of the mental hygiene law;

12 § 4. Subdivision 1 of section 2801 of the public health law, as
13 amended by section 2 of part E of chapter 57 of the laws of 2023, is
14 amended to read as follows:

15 1. "Hospital" means a facility or institution engaged principally in
16 providing services by or under the supervision of a physician or, in the
17 case of a dental clinic or dental dispensary, of a dentist, or, in the
18 case of a midwifery birth center, of a midwife, for the prevention,
19 diagnosis or treatment of human disease, pain, injury, deformity or
20 physical condition, including, but not limited to, a general hospital,
21 public health center, diagnostic center, treatment center, a rural emer-
22 gency hospital under 42 USC 1395x(kkk), or successor provisions, dental
23 clinic, dental dispensary, rehabilitation center other than a facility
24 used solely for vocational rehabilitation, nursing home, tuberculosis
25 hospital, chronic disease hospital, maternity hospital, midwifery birth
26 center, lying-in-asylum, out-patient department, out-patient lodge,
27 dispensary and a laboratory or central service facility serving one or
28 more such institutions, but the term hospital shall not include an
29 institution, sanitarium or other facility engaged principally in provid-
30 ing services for the prevention, diagnosis or treatment of mental disa-
31 bility and which is subject to the powers of visitation, examination,
32 inspection and investigation of the department of mental hygiene except
33 for those distinct parts of such a facility which provide hospital
34 service. The provisions of this article shall not apply to a facility or
35 institution engaged principally in providing services by or under the
36 supervision of the bona fide members and adherents of a recognized reli-
37 gious organization whose teachings include reliance on spiritual means
38 through prayer alone for healing in the practice of the religion of such
39 organization and where services are provided in accordance with those
40 teachings. No provision of this article [~~or any other provision of law~~]
41 shall be construed to[~~-(a)~~] limit the volume of primary care services
42 that can be provided by a program licensed to provide integrated behav-
43 ioral health services, as defined in section 36.08 of the mental hygiene
44 law. No provision of this article or any other provision of law shall
45 be construed to: (a) limit the volume of mental health, substance use
46 disorder services or developmental disability services that can be
47 provided by a provider of primary care services licensed under this
48 article and authorized to provide integrated services in accordance with
49 regulations issued by the commissioner in consultation with the commis-
50 sioner of the office of mental health, the commissioner of the office of
51 [~~alcoholism and substance abuse services~~] addiction services and
52 supports and the commissioner of the office for people with develop-
53 mental disabilities, including regulations issued pursuant to subdivi-
54 sion seven of section three hundred sixty-five-1 of the social services
55 law or part L of chapter fifty-six of the laws of two thousand twelve;
56 (b) require a provider licensed pursuant to article thirty-one of the

1 mental hygiene law or certified pursuant to article sixteen or article
2 thirty-two of the mental hygiene law to obtain an operating certificate
3 from the department if such provider has been authorized to provide
4 integrated services in accordance with regulations issued by the commis-
5 sioner in consultation with the commissioner of the office of mental
6 health, the commissioner of the office of ~~[alcoholism and substance~~
7 ~~abuse services]~~ addiction services and supports and the commissioner of
8 the office for people with developmental disabilities, including regu-
9 lations issued pursuant to subdivision seven of section three hundred
10 sixty-five-1 of the social services law or part L of chapter fifty-six
11 of the laws of two thousand twelve; or (c) require a provider licensed
12 under section 36.08 of the mental hygiene law to obtain a license from
13 the department.

14 § 5. The opening paragraph of subdivision (a) and subdivision (f) of
15 section 31.02 of the mental hygiene law, the opening paragraph of subdivi-
16 sion (a) as amended by chapter 804 of the laws of 1975 and as renum-
17 bered by chapter 978 of the laws of 1977, and subdivision (f) as amended
18 by section 2 of part Z of chapter 57 of the laws of 2019, are amended to
19 read as follows:

20 Except as provided in ~~[subdivision]~~ subdivisions (b) and (f) of this
21 section no provider of services shall engage in any of the following
22 activities without an operating certificate issued by the commissioner
23 pursuant to this article:

24 (f) No provision of this article or any other provision of law shall
25 be construed to: (i) require a provider licensed pursuant to article
26 twenty-eight of the public health law or certified pursuant to article
27 sixteen or article thirty-two of this chapter to obtain an operating
28 certificate from the office of mental health if such provider has been
29 authorized to provide integrated services in accordance with regulations
30 issued by the commissioner of the office of mental health in consulta-
31 tion with the commissioner of the department of health, the commissioner
32 of the office of ~~[alcoholism and substance abuse services]~~ addiction
33 services and supports and the commissioner of the office for people with
34 developmental disabilities, including regulations issued pursuant to
35 subdivision seven of section three hundred sixty-five-1 of the social
36 services law or part L of chapter fifty-six of the laws of two thousand
37 twelve; or (ii) require a provider licensed under section 36.08 of this
38 title to obtain a license from the office of mental health. Further-
39 more, no provision of this article or any other provision of law shall
40 be construed to limit the volume of mental health services by a program
41 licensed to provide integrated behavioral health services, as defined in
42 section 36.08 of this title.

43 § 6. Subdivision (b) of section 32.05 of the mental hygiene law, as
44 amended by section 3 of part Z of chapter 57 of the laws of 2019 and
45 paragraph (i) as amended by chapter 511 of the laws of 2025, is amended
46 to read as follows:

47 (b) (i) Methadone, or such other controlled substance designated by
48 the commissioner of health as appropriate for such use, may be adminis-
49 tered to a person with substance use disorder, as defined in section
50 thirty-three hundred two of the public health law, by individual physi-
51 cians, groups of physicians and public or private medical facilities
52 certified pursuant to article twenty-eight or thirty-three of the public
53 health law as part of a chemical dependence program which has been
54 issued an operating certificate by the commissioner pursuant to subdivi-
55 sion (b) of section 32.09 of this article, provided, however, that such
56 administration must be done in accordance with all applicable federal

1 and state laws and regulations. Individual physicians or groups of
2 physicians who have obtained authorization from the federal government
3 to administer buprenorphine to people with substance use disorder may do
4 so without obtaining an operating certificate from the commissioner.

5 (ii) No provision of this article or any other provision of law shall be
6 construed to: (A) require a provider licensed pursuant to article twenty-
7 eight of the public health law, article thirty-one of this [chapter]
8 title or a provider certified pursuant to article sixteen of this chap-
9 ter to obtain an operating certificate from the office of [alcoholism
10 and substance abuse] addiction services and supports if such provider
11 has been authorized to provide integrated services in accordance with
12 regulations issued by the commissioner of [alcoholism and substance
13 abuse] addiction services and supports in consultation with the commis-
14 sioner of the department of health, the commissioner of the office of
15 mental health and the commissioner of the office for people with devel-
16 opmental disabilities, including regulations issued pursuant to subdivi-
17 sion seven of section three hundred sixty-five-1 of the social services
18 law or part L of chapter fifty-six of the laws of two thousand
19 twelve[-]; or (B) require a provider licensed under section 36.08 of
20 this title to obtain an operating certificate from the office of
21 addiction services and supports. Furthermore, no provision of this arti-
22 cle or any other provision of law shall be construed to limit the volume
23 of addiction services by a program licensed to provide integrated behav-
24 ioral health services, as defined in section 36.08 of this title.

25 § 7. Subdivisions (a) and (b) of section 43.02 of the mental hygiene
26 law, as amended by section 3 of part 00 of chapter 58 of the laws of
27 2015, are amended to read as follows:

28 (a) Notwithstanding any inconsistent provision of law, payment made by
29 government agencies pursuant to title eleven of article five of the
30 social services law for services provided by any facility licensed by
31 the office of mental health pursuant to article thirty-one of this chap-
32 ter ~~[or]~~, certified by the office of ~~[alcoholism and substance abuse~~
33 ~~services]~~ addiction services and supports pursuant to this chapter to
34 provide inpatient chemical dependence services, as defined in section
35 1.03 of this chapter, or facilities jointly licensed by the office of
36 mental health and the office of addiction services and supports pursuant
37 to article thirty-six of this title, shall be at rates or fees certified
38 by the commissioner of the respective office or offices and approved by
39 the director of the division of the budget, provided, however, the
40 commissioner of mental health shall annually certify such rates or fees
41 which may vary for distinct geographical areas of the state and,
42 provided, further, that rates or fees for service for inpatient psychi-
43 atric services or inpatient chemical dependence services, at hospitals
44 otherwise licensed pursuant to article twenty-eight of the public health
45 law shall be established in accordance with section ~~[two thousand eight]~~
46 twenty-eight hundred seven of the public health law and, provided,
47 further, that rates or fees for services provided by any facility or
48 program licensed, operated or approved by the office for people with
49 developmental disabilities, shall be certified by the commissioner of
50 health; provided, however, that such methodologies shall be subject to
51 approval by the office for people with developmental disabilities and
52 shall take into account the policies and goals of such office.

53 (b) Operators of facilities licensed by the office of mental health
54 pursuant to article thirty-one of this chapter, licensed by the office
55 for people with developmental disabilities pursuant to article sixteen
56 of this chapter ~~[or]~~, certified by the office of ~~[alcoholism and~~

1 ~~substance abuse~~] addiction services and supports pursuant to this chap-
2 ter to provide inpatient chemical dependence services, or facilities
3 jointly licensed by the office of mental health and the office of
4 addiction services and supports pursuant to article thirty-six of this
5 title, shall provide to the commissioner of the respective office such
6 financial, statistical and program information as the commissioner may
7 determine to be necessary. The commissioner of the appropriate office or
8 offices shall have the power to conduct on-site audits of books and
9 records of such facilities.

10 § 8. This act shall take effect on the date that the rates of
11 reimbursement for integrated behavioral health services are approved and
12 certified by the office of mental health and the office of addiction
13 services and supports pursuant to subparagraph (E) of paragraph (i) of
14 subdivision (b) of section 36.08 of the mental hygiene law as added by
15 section one of this act or the regulations issued in accordance with
16 subdivision (d) of section 36.06 of the mental hygiene law as added by
17 section two of this act become effective, whichever is later; provided
18 that the office of mental health shall notify the legislative bill
19 drafting commission upon the occurrence of the enactment of rates of
20 reimbursement for integrated behavioral services or such regulations
21 become effective as provided for in section one of this act in order
22 that the commission may maintain an accurate and timely effective data
23 base of the official text of the laws of the state of New York in furth-
24 erance of effectuating the provisions of section 44 of the legislative
25 law and section 70-b of the public officers law. Effective immediately,
26 the commissioner of the office of mental health and the commissioner of
27 the office of addiction services and supports are authorized to issue
28 any rule or regulation necessary for the implementation of this act on
29 or before its effective date.