S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. P. RIVERA, GOTTFRIED, DINOWITZ, SCARBOROUGH, CANESTRARI, WEISENBERG, JACOBS, CLARK, ESPAILLAT, PHEFFER, McENENY, GUNTHER, ENGLEBRIGHT, COLTON, CAHILL, KAVANAGH, LUPARDO -- Multi-Sponsored by -- M. of A. ABBATE, ALESSI, ALFANO, ARROYO, AUBRY, BENEDETTO, BENJAMIN, BING, BOYLAND, BRADLEY, BRENNAN, BROOK-KRASNY, CAMARA, CARROZZA, CHRISTENSEN, COOK, CYMBROWITZ, DESTITO, DIAZ, DUPREY, EDDINGTON, FIELDS, GALEF, GLICK, GORDON, HEVESI, HIKIND, HOOPER, HOYT, JAFFEE, JEFFRIES, KOON, LANCMAN, LATIMER, LAVINE, LENTOL, LIFTON, V. LOPEZ, MAGEE, MAGNARELLI, MAISEL, MARKEY, MAYERSOHN, McKEVITT, MILLER, MILLMAN, NOLAN, O'DONNELL, ORTIZ, PARMENT, PAULIN, PEOPLES, PERALTA, PERRY, POWELL, RAMOS, REILLY, J. RIVERA, N. RIVERA, ROBINSON, ROSENTHAL, SCHROEDER, SEMINERIO, SPANO, SWEENEY, TITUS, TOWNS, TOWNSEND, WEINSTEIN, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to establishing mental health parity in public health insurance plans

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

Section 1. Subdivision 7 of section 2510 of the public health law, as amended by chapter 645 of the laws of 2005, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; inpatient health care services; laboratory tests; diagnostic x-rays; prescription and non-prescription drugs and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; emergency room services; hospice services; emergency, preventive and routine dental care, except orthodontia and cosmetic surgery; emergency, preventive and

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

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routine vision care, including eyeglasses; speech and hearing services; and, inpatient and outpatient mental health, alcohol and substance abuse services as defined by the commissioner in consultation with the superintendent, PROVIDED THAT COVERAGE FOR MENTAL HEALTH, ALCOHOL AND SUBSTANCE ABUSE SERVICES SHALL BE PROVIDED ON THE SAME TERMS AND CONDITIONS AS THE COVERAGE FOR OTHER COVERED HEALTH CARE SERVICES. "Covered health care services" shall not include drugs, procedures and supplies for the treatment of erectile dysfunction when provided to, or prescribed for use by, a person who is required to register as a sex offender pursuant to article six-C of the correction law, provided that any denial of coverage of such drugs, procedures or supplies shall provide the patient with the means of obtaining additional information concerning both the denial and the means of challenging such denial.

S 2. Subparagraph (ix) of paragraph (e) of subdivision 1 of section 369-ee of the social services law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

(ix) inpatient and outpatient mental health and alcohol and substance abuse services, as defined by the commissioner, PROVIDED THAT COVERAGE FOR MENTAL HEALTH, ALCOHOL AND SUBSTANCE ABUSE SERVICES SHALL BE PROVIDED ON THE SAME TERMS AND CONDITIONS AS THE COVERAGE FOR OTHER COVERED HEALTH CARE SERVICES;

S 3. The commissioner of health is authorized to submit amendments to the state plan for medical assistance and submit one or more applications for waivers of the federal social security act as may be necessary to obtain the federal approvals necessary to implement this chapter.

S 4. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided, however, that the amendments to subdivision 7 of section 2510 of the public health law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.