

4623--A

2013-2014 Regular Sessions

I N S E N A T E

April 16, 2013

Introduced by Sens. HANNON, BALL, BOYLE, CARLUCCI, FLANAGAN, GIPSON, GRISANTI, LATIMER, LAVALLE, MARCELLINO, MARTINS, PARKER, TKACZYK, YOUNG, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring health insurance coverage for drug and alcohol abuse and dependency treatment services

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 30 to read as follows:
3 (30) (A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE
4 WHICH PROVIDES MEDICAL, MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE
5 COVERAGE SHALL INCLUDE SPECIFIC COVERAGE FOR DRUG AND ALCOHOL ABUSE AND
6 DEPENDENCY TREATMENT SERVICES THAT ARE CERTIFIED AS NECESSARY BY A QUAL-
7 IFIED HEALTH PROFESSIONAL, AS DEFINED IN THE REGULATIONS OF THE COMMIS-
8 SIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.
9 (B) THE ONLY PREREQUISITE FOR THE COVERAGE OF HOSPITAL OR NON-HOSPITAL
10 BASED DETOXIFICATION, INCLUDING MEDICALLY MANAGED, MEDICALLY SUPERVISED
11 AND MEDICALLY MONITORED WITHDRAWAL, OR INPATIENT OR INTENSIVE RESIDEN-
12 TIAL REHABILITATION, OR INTENSIVE OR ROUTINE OUTPATIENT TREATMENT, SHALL
13 BE THAT A COVERED PERSON BE CERTIFIED AND REFERRED BY A QUALIFIED HEALTH
14 PROFESSIONAL. SUCH CERTIFICATION AND REFERRAL SHALL CONTROL BOTH THE
15 NATURE AND DURATION OF COVERED TREATMENT; PROVIDED, HOWEVER, THAT SUCH
16 COVERAGE SHALL BE TERMINATED WHEN THE ADMITTING OR ATTENDING PHYSICIAN,
17 OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER PROVIDING DETOXIFICATION,
18 REHABILITATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE
19 COVERED PERSON IS NOT NECESSARY, EARLY DISCHARGE IS APPROPRIATE OR ADDI-
20 TIONAL INPATIENT DAYS OR SESSIONS ARE NECESSARY.
21 (C) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS PARAGRAPH SHALL
22 BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF PARTIC-

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

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1 IPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF THE
2 STATE.

3 S 2. Subsection (1) of section 3221 of the insurance law is amended by
4 adding a new paragraph 19 to read as follows:

5 (19)(A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY
6 IN THIS STATE WHICH PROVIDES MEDICAL, MAJOR MEDICAL OR SIMILAR COMPRE-
7 HENSIVE-TYPE COVERAGE SHALL INCLUDE SPECIFIC COVERAGE FOR DRUG AND ALCO-
8 HOL ABUSE AND DEPENDENCY TREATMENT SERVICES THAT ARE CERTIFIED AS NECES-
9 SARY BY A QUALIFIED HEALTH PROFESSIONAL, AS DEFINED IN THE REGULATIONS
10 OF THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.

11 (B) THE ONLY PREREQUISITE FOR THE COVERAGE OF HOSPITAL OR NON-HOSPITAL
12 BASED DETOXIFICATION, INCLUDING MEDICALLY MANAGED, MEDICALLY SUPERVISED
13 AND MEDICALLY MONITORED WITHDRAWAL, OR INPATIENT OR INTENSIVE RESIDEN-
14 TIAL REHABILITATION, OR INTENSIVE OR ROUTINE OUTPATIENT TREATMENT, SHALL
15 BE THAT A COVERED PERSON BE CERTIFIED AND REFERRED BY A QUALIFIED HEALTH
16 PROFESSIONAL. SUCH CERTIFICATION AND REFERRAL SHALL CONTROL BOTH THE
17 NATURE AND DURATION OF COVERED TREATMENT; PROVIDED, HOWEVER, THAT SUCH
18 COVERAGE SHALL BE TERMINATED WHEN THE ADMITTING OR ATTENDING PHYSICIAN,
19 OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER PROVIDING DETOXIFICATION,
20 REHABILITATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE
21 COVERED PERSON IS NOT NECESSARY, EARLY DISCHARGE IS APPROPRIATE OR ADDI-
22 TIONAL INPATIENT DAYS OR SESSIONS ARE NECESSARY.

23 (C) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS PARAGRAPH SHALL
24 BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF PARTIC-
25 IPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF THE
26 STATE.

27 S 3. Section 4303 of the insurance law is amended by adding a new
28 subsection (oo) to read as follows:

29 (OO)(1) EVERY CONTRACT ISSUED BY A HOSPITAL SERVICE COMPANY OR HEALTH
30 SERVICE CORPORATION WHICH PROVIDES MEDICAL, MAJOR MEDICAL OR SIMILAR
31 COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE SPECIFIC COVERAGE FOR DRUG AND
32 ALCOHOL ABUSE AND DEPENDENCY TREATMENT SERVICES THAT ARE CERTIFIED AS
33 NECESSARY BY A QUALIFIED HEALTH PROFESSIONAL, AS DEFINED IN THE REGU-
34 LATIONS OF THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.

35 (2) THE ONLY PREREQUISITE FOR THE COVERAGE OF HOSPITAL OR NON-HOSPITAL
36 BASED DETOXIFICATION, INCLUDING MEDICALLY MANAGED, MEDICALLY SUPERVISED
37 AND MEDICALLY MONITORED WITHDRAWAL, OR INPATIENT OR INTENSIVE RESIDEN-
38 TIAL REHABILITATION, OR INTENSIVE OR ROUTINE OUTPATIENT TREATMENT, SHALL
39 BE THAT A COVERED PERSON BE CERTIFIED AND REFERRED BY A QUALIFIED HEALTH
40 PROFESSIONAL. SUCH CERTIFICATION AND REFERRAL SHALL CONTROL BOTH THE
41 NATURE AND DURATION OF COVERED TREATMENT, PROVIDED, HOWEVER, THAT SUCH
42 COVERAGE SHALL BE TERMINATED WHEN THE ADMITTING OR ATTENDING PHYSICIAN,
43 OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER PROVIDING DETOXIFICATION,
44 REHABILITATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE
45 COVERED PERSON IS NOT NECESSARY, EARLY DISCHARGE IS APPROPRIATE OR ADDI-
46 TIONAL INPATIENT DAYS OR SESSIONS ARE NECESSARY.

47 (3) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS SUBSECTION
48 SHALL BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF
49 PARTICIPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF
50 THE STATE.

51 S 4. This act shall take effect on the first of January next succeed-
52 ing the date on which it shall have become a law and shall apply to
53 policies and contracts issued, renewed, modified, altered or amended on
54 or after such date.