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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 30 to read as follows:

(A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL, MAJOR MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL INCLUDE SPECIFIC COVERAGE FOR DRUG AND ALCOHOL ABUSE AND DEPENDENCY TREATMENT SERVICES THAT ARE CERTIFIED AS NECESSARY BY A QUALIFIED HEALTH PROFESSIONAL, AS DEFINED IN THE REGULATIONS OF THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.

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

(C) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS PARAGRAPH SHALL BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF PARTICIPANT PROVIDER NETWORKS.
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1. IPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF THE
2. STATE.

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

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

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

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

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

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

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

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

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