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I N S E N A T E

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Introduced by Sens. GIPSON, BRESLIN, DILAN, HOYLMAN, KRUEGER, PARKER, PERKINS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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 THE
16 DURATION OF SUCH COVERAGE SHALL NOT BE LESS THAN SIXTY DAYS AND MAY BE
17 TERMINATED ONLY WHEN AND IF THE ADMITTING OR ATTENDING PHYSICIAN, OR A
18 PHYSICIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE SUPERVISION
19 OF THE ADMITTING OR ATTENDING PHYSICIAN, PROVIDING DETOXIFICATION, REHA-
20 BILITATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE
21 COVERED PERSON IS NOT NECESSARY AND EARLY DISCHARGE IS APPROPRIATE. THE
22 DURATION OF SUCH COVERAGE SHALL BE EXTENDED BY AS MANY AS THIRTY ADDI-
23 TIONAL INPATIENT DAYS OR SESSIONS IF THE ADMITTING OR ATTENDING PHYSI-
24 CIAN, OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE
25 SUPERVISION OF THE ADMITTING OR ATTENDING PHYSICIAN, DEEMS SUCH ADDI-
26 TIONAL DAYS OR SESSIONS ARE NECESSARY.

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

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(C) IF THE ADMITTING OR ATTENDING PHYSICIAN CERTIFIES THAT TREATMENT BEYOND NINETY DAYS IS NECESSARY, SUCH CERTIFICATION SHALL BE SUFFICIENT FOR ELIGIBILITY FOR COVERAGE THROUGH MEDICAID AS ADMINISTERED THROUGH COUNTY SOCIAL SERVICES DEPARTMENTS, AND NO FURTHER CERTIFICATION SHALL BE REQUIRED BY SUCH DEPARTMENTS.

(D) COSTS ASSOCIATED WITH CONTINUED MEDICAID COVERAGE SHALL NOT ACCRUE TO THE COUNTY AND SHALL BE ASSUMED BY THE STATE.

(E) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS PARAGRAPH SHALL BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF PARTICIPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF THE 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 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 THE DURATION OF SUCH COVERAGE SHALL NOT BE LESS THAN SIXTY DAYS, AND MAY BE TERMINATED ONLY WHEN AND IF THE ADMITTING OR ATTENDING PHYSICIAN, OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE SUPERVISION OF THE ADMITTING OR ATTENDING PHYSICIAN, PROVIDING DETOXIFICATION, REHABILITATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE COVERED PERSON IS NOT NECESSARY AND EARLY DISCHARGE IS APPROPRIATE. THE DURATION OF SUCH COVERAGE SHALL BE EXTENDED BY AS MANY AS THIRTY ADDITIONAL INPATIENT DAYS OR SESSIONS IF THE ADMITTING OR ATTENDING PHYSICIAN, OR A PHYSICIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE SUPERVISION OF THE ADMITTING OR ATTENDING PHYSICIAN, DEEMS SUCH ADDITIONAL DAYS OR SESSIONS ARE NECESSARY.

(C) IF THE ADMITTING OR ATTENDING PHYSICIAN CERTIFIES THAT TREATMENT BEYOND NINETY DAYS IS NECESSARY, SUCH CERTIFICATION SHALL BE SUFFICIENT FOR ELIGIBILITY FOR COVERAGE THROUGH MEDICAID AS ADMINISTERED THROUGH COUNTY SOCIAL SERVICES DEPARTMENTS, AND NO FURTHER CERTIFICATION SHALL BE REQUIRED BY SUCH DEPARTMENTS.

(D) COSTS ASSOCIATED WITH CONTINUED MEDICAID COVERAGE SHALL NOT ACCRUE TO THE COUNTY AND SHALL BE ASSUMED BY THE STATE.

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

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

(oo)(1) EVERY CONTRACT ISSUED BY A HOSPITAL SERVICE COMPANY OR HEALTH SERVICE CORPORATION 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.

1 (2) THE ONLY PREREQUISITE FOR THE COVERAGE OF HOSPITAL OR NON-HOSPITAL
2 BASED DETOXIFICATION, INCLUDING MEDICALLY MANAGED, MEDICALLY SUPERVISED
3 AND MEDICALLY MONITORED WITHDRAWAL, OR INPATIENT OR INTENSIVE RESIDEN-
4 TIAL REHABILITATION, OR INTENSIVE OR ROUTINE OUTPATIENT TREATMENT, SHALL
5 BE THAT A COVERED PERSON BE CERTIFIED AND REFERRED BY A QUALIFIED HEALTH
6 PROFESSIONAL. SUCH CERTIFICATION AND REFERRAL SHALL CONTROL BOTH THE
7 NATURE AND DURATION OF COVERED TREATMENT, PROVIDED, HOWEVER, THAT THE
8 DURATION OF SUCH COVERAGE NOT BE LESS THAN SIXTY DAYS, AND MAY BE TERMI-
9 NATED ONLY WHEN AND IF THE ADMITTING OR ATTENDING PHYSICIAN, OR A PHYSI-
10 CIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE SUPERVISION OF THE
11 ADMITTING OR ATTENDING PHYSICIAN, PROVIDING DETOXIFICATION, REHABILI-
12 TATION OR OUTPATIENT TREATMENT CERTIFIES THAT ADMISSION OF THE COVERED
13 PERSON IS NOT NECESSARY AND EARLY DISCHARGE IS APPROPRIATE. THE DURATION
14 OF SUCH COVERAGE SHALL BE EXTENDED BY AS MANY AS THIRTY ADDITIONAL INPA-
15 TIENT DAYS OR SESSIONS IF THE ADMITTING OR ATTENDING PHYSICIAN, OR A
16 PHYSICIAN ASSISTANT OR NURSE PRACTITIONER ACTING UNDER THE SUPERVISION
17 OF THE ADMITTING OR ATTENDING PHYSICIAN, DEEMS SUCH ADDITIONAL DAYS OR
18 SESSIONS ARE NECESSARY.

19 (3) IF THE ADMITTING OR ATTENDING PHYSICIAN CERTIFIES THAT TREATMENT
20 BEYOND NINETY DAYS IS NECESSARY, SUCH CERTIFICATION SHALL BE SUFFICIENT
21 FOR ELIGIBILITY FOR COVERAGE THROUGH MEDICAID AS ADMINISTERED THROUGH
22 COUNTY SOCIAL SERVICES DEPARTMENTS, AND NO FURTHER CERTIFICATION SHALL
23 BE REQUIRED BY SUCH DEPARTMENTS.

24 (4) COSTS ASSOCIATED WITH CONTINUED MEDICAID COVERAGE SHALL NOT ACCRUE
25 TO THE COUNTY AND SHALL BE ASSUMED BY THE STATE.

26 (5) THE LOCATION OF COVERED TREATMENT PURSUANT TO THIS SUBSECTION
27 SHALL BE SUBJECT TO THE INSURER'S REQUIREMENTS RELATING TO THE USE OF
28 PARTICIPATING PROVIDERS, INCLUDING THOSE PROVIDERS LOCATED OUTSIDE OF
29 THE STATE.

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