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 PARTIC-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
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IPATING 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 COMPRE-
HENSIVE-TYPE COVERAGE SHALL INCLUDE SPECIFIC COVERAGE FOR DRUG AND ALCO-
HOL ABUSE AND DEPENDENCY TREATMENT SERVICES THAT ARE CERTIFIED AS NECES-
SARY 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 RESIDEN-
TIAL 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 ADDI-
TIONAL 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 PARTIC-
IPATING 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 REGU-
LATIONS OF THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.

(2) 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 RESIDEN-
TIAL 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 ADDI-
TIONAL INPATIENT DAYS OR SESSIONS ARE NECESSARY.

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

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