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

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I N S E N A T E

April 28, 2014

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:

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

(30) (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 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.

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.

(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 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 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.

(3) 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.

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

(5) 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 succeeding 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.