

# STATE OF NEW YORK

8002

## IN SENATE

March 19, 2018

Introduced by Sens. AMEDORE, HANNON, AKSHAR, JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to directing the office of alcoholism and substance abuse services to provide an ombudsman for substance use disorder insurance coverage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 19.07 of the mental hygiene law is amended by  
2 adding a new subdivision (1) to read as follows:

3 (1) (1) The office shall establish, either directly or through  
4 contract, an ombudsman for substance use disorder insurance coverage.  
5 Such ombudsman shall have expertise in substance use disorder treatment  
6 and advocacy, experience with insurance coverage requirements, and such  
7 other qualifications as shall be determined by the commissioner, in  
8 consultation with the superintendent of financial services.

9 (2) The ombudsman for substance use disorder insurance coverage shall:

10 (i) identify, accept, investigate, refer and resolve complaints that  
11 are made by or on behalf of consumers relative to health insurance  
12 coverage of and access to initial and continuing substance use disorder  
13 care, including medication assisted treatment, both inpatient and outpa-  
14 tient;

15 (ii) accept, investigate, refer and resolve complaints that are made  
16 by treatment providers relative to health insurance coverage of and  
17 reimbursement for initial or continuing substance use disorder care,  
18 including medication assisted treatment, both inpatient and outpatient;

19 (iii) accept, investigate, refer and resolve complaints that are made  
20 by or on behalf of consumers or by providers relative to network adequa-  
21 cy for access to and continuing substance use disorder care, including  
22 medication assisted treatment, both inpatient and outpatient; and

23 (iv) make recommendations to the commissioner and the superintendent  
24 of financial services biennially beginning October first, two thousand  
25 nineteen, on regulatory and/or statutory changes necessary to ensure  
26 access to appropriate care, and such recommendations shall be shared

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

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1 with the legislature upon issuance. Such recommendations may also  
2 include whether the ombudsman role should be extended to include broader  
3 behavioral health insurance complaints and concerns.

4 § 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.