

STATE OF NEW YORK

877--A

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sens. ORTT, AMEDORE, BONACIC, GALLIVAN, HANNON, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, the public health law and the insurance law, in relation to prohibiting a provider of health care coverage from requiring providers of behavioral health services to offer all products offered by the provider of health care coverage

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

Section 1. Section 365-m of the social services law is amended by adding a new subdivision 6 to read as follows:

6. (a) No managed care provider under section three hundred sixty-four-j of this title shall by contract or written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such managed care provider, other than products under such section. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such managed care provider in which the provider agrees to participate in the in-network portion.

(b) As used in this subdivision, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of the public health law, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of the public health law.

§ 2. Section 2511 of the public health law is amended by adding a new subdivision 22 to read as follows:

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

LBD01657-02-8

22. (a) No approved organization shall by contract or written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such organization, other than products under this title. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such approved organization in which the provider agrees to participate in the in-network portion.

(b) As used in this subdivision, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of this chapter, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of this chapter.

§ 3. Section 4406-c of the public health law is amended by adding a new subdivision 10 to read as follows:

10. (a) No health care plan licensed pursuant to this article shall by contract or written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such plan. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such plan in which the provider agrees to participate in the in-network portion.

(b) As used in this subdivision, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of this chapter, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of this chapter.

§ 4. Section 3217-b of the insurance law is amended by adding a new subsection (1) to read as follows:

(1) No insurer subject to the provisions of this article shall by contract, written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such insurer. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such insurers in which the provider agrees to participate in the in-network portion.

(2) As used in this subsection, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of the public health law, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of the public health law.

§ 5. Section 4325 of the insurance law is amended by adding a new subsection (m) to read as follows:

(m) (1) No corporation organized pursuant to this article shall by contract, written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such corporation. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such corporation in which the provider agrees to participate in the in-network portion.

1 (2) As used in this subsection, "behavioral health services" means
2 inpatient and outpatient behavioral health services provided by those
3 licensed or certified pursuant to article thirty-one or thirty-two of
4 the mental hygiene law, or programs that are licensed pursuant to both
5 article thirty-one of the mental hygiene law and article twenty-eight of
6 the public health law, or certified under both article thirty-two of the
7 mental hygiene law and article twenty-eight of the public health law.

8 § 6. This act shall take effect immediately.