

# 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

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

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

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

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

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

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

33 (1) (1) No insurer subject to the provisions of this article shall by  
34 contract, written policy or procedure, require a behavioral health  
35 services provider to participate in the in-network portion of any prod-  
36 uct offered by such insurer. Behavioral health services providers shall  
37 have the right to select by execution of a separate agreement the  
38 products of such insurers in which the provider agrees to participate in  
39 the in-network portion.

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

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

49 (m) (1) No corporation organized pursuant to this article shall by  
50 contract, written policy or procedure, require a behavioral health  
51 services provider to participate in the in-network portion of any prod-  
52 uct offered by such corporation. Behavioral health services providers  
53 shall have the right to select by execution of a separate agreement the  
54 products of such corporation in which the provider agrees to participate  
55 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.