STATE OF NEW YORK

7141

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. BROOKS -- 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 mandating insurance coverage for medical devices to treat withdrawal symptoms

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

Section 1. Subparagraph (A) of paragraph 30 of subsection (i) of section 3216 of the insurance law, as amended by section 1 of part B of chapter 71 of the laws of 2016, is amended to read as follows:

(A) Every policy that provides hospital, major medical or similar comprehensive coverage must provide inpatient coverage for the diagnosis and treatment of substance use disorder, including detoxification and rehabilitation services**, including the use of medications, medical devices and products approved by the food and drug administration for the treatment of withdrawal symptoms**. Such inpatient coverage shall include unlimited medically necessary treatment for substance use disorder treatment services provided in residential settings as required by the Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a). Further, such inpatient coverage shall not apply financial requirements or treatment limitations, including utilization review requirements, to inpatient substance use disorder benefits that are more restrictive than the predominant financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the policy. Further, such coverage shall be provided consistent with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

§ 2. Subparagraph (A) of paragraph 31 of subsection (i) of section 3216 of the insurance law, as added by chapter 41 of the laws of 2014, is amended to read as follows:

(A) Every policy that provides medical, major medical or similar comprehensive-type coverage must provide outpatient coverage for the diagnosis and treatment of substance use disorder, including detoxification and rehabilitation services**, including the use of medications,**

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

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medical devices and products approved by the food and drug administration for the treatment of withdrawal symptoms. Such coverage shall not apply financial requirements or treatment limitations to outpatient substance use disorder benefits that are more restrictive than the predominant financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the policy. Further, such coverage shall be provided consistent with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

§ 3. Paragraph 7-a of subsection (l) of section 3221 of the insurance law, as added by section 2 of part B of chapter 69 of the laws of 2016, is amended to read as follows:

(7-a) Every policy that provides medical, major medical or similar comprehensive-type large group coverage shall provide coverage for medication for the detoxification or maintenance treatment**, including medical devices or products for the treatment of withdrawal symptoms,** of a substance use disorder approved by the food and drug administration for the detoxification or maintenance treatment of substance use disorder.

§ 4. Subsection (l-1) of section 4303 of the insurance law, as added by section 3 of part B of chapter 69 of the laws of 2016, is amended to read as follows:

(l-1) Every contract that provides medical, major medical, or similar comprehensive-type large group coverage shall provide coverage for medication for the detoxification or maintenance treatment**, including medical devices or products for the treatment of withdrawal symptoms,** of a substance use disorder approved by the food and drug administration for the detoxification or maintenance treatment of substance use disorder.

§ 5. 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 and after such date.