

STATE OF NEW YORK

3041

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. JONES, ORTIZ, GUNTHER, D'URSO, ABINANTI, MONTESANO, RAIA, WALSH, DICKENS, BLAKE -- Multi-Sponsored by -- M. of A. COOK, CROUCH, THIELE, WRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in relation to requiring insurance and Medicaid coverage for inpatient and outpatient substance abuse treatment for a period of not less than forty-five days

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

1 Section 1. Subparagraph (A) of paragraph 30 of subsection (i) of
2 section 3216 of the insurance law, as amended by section 1 of part B of
3 chapter 71 of the laws of 2016, is amended to read as follows:
4 (A) Every policy that provides hospital, major medical or similar
5 comprehensive coverage must provide inpatient coverage for the diagnosis
6 and treatment of substance use disorder, including detoxification and
7 rehabilitation services, for a period of not less than forty-five days.
8 Such inpatient coverage shall include unlimited medically necessary
9 treatment for substance use disorder treatment services provided in
10 residential settings as required by the Mental Health Parity and
11 Addiction Equity Act of 2008 (29 U.S.C. § 1185a). Further, such inpa-
12 tient coverage shall not apply financial requirements or treatment limi-
13 tations, including utilization review requirements, to inpatient
14 substance use disorder benefits that are more restrictive than the
15 predominant financial requirements and treatment limitations applied to
16 substantially all medical and surgical benefits covered by the policy.
17 Further, such coverage shall be provided consistent with the federal
18 Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
19 Equity Act of 2008 (29 U.S.C. § 1185a).

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

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§ 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, for a period of not less than forty-five days. 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. Subparagraph (A) of paragraph 6 of subsection (l) of section 3221 of the insurance law, as amended by section 2 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, for a period of not less than forty-five days. 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).

§ 4. Subparagraph (A) of paragraph 7 of subsection (l) of section 3221 of the insurance law, as amended 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, for a period of not less than forty-five days. 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).

§ 5. Paragraph 1 of subsection (k) of section 4303 of the insurance law, as amended by section 3 of part B of chapter 71 of the laws of 2016, is amended to read as follows:

(1) Every contract 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, for a period of not less than forty-five days.

1 Such inpatient coverage shall include unlimited medically necessary
2 treatment for substance use disorder treatment services provided in
3 residential settings as required by the Mental Health Parity and
4 Addiction Equity Act of 2008 (29 U.S.C. § 1185a). Further, such inpa-
5 tient coverage shall not apply financial requirements or treatment limi-
6 tations, including utilization review requirements, to inpatient
7 substance use disorder benefits that are more restrictive than the
8 predominant financial requirements and treatment limitations applied to
9 substantially all medical and surgical benefits covered by the contract.
10 Further, such coverage shall be provided consistent with the federal
11 Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
12 Equity Act of 2008 (29 U.S.C. § 1185a).

13 § 6. Paragraph 1 of subsection (1) of section 4303 of the insurance
14 law, as amended by chapter 41 of the laws of 2014, is amended to read as
15 follows:

16 (1) Every contract that provides medical, major medical or similar
17 comprehensive-type coverage must provide outpatient coverage for the
18 diagnosis and treatment of substance use disorder, including detoxifica-
19 tion and rehabilitation services, for a period not less than forty-five
20 days. Such coverage shall not apply financial requirements or treatment
21 limitations to outpatient substance use disorder benefits that are more
22 restrictive than the predominant financial requirements and treatment
23 limitations applied to substantially all medical and surgical benefits
24 covered by the contract. Further, such coverage shall be provided
25 consistent with the federal Paul Wellstone and Pete Domenici Mental
26 Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

27 § 7. Paragraph (c) of subdivision 2 of section 365-a of the social
28 services law, as amended by section 12-a of part C of chapter 60 of the
29 laws of 2014, is amended to read as follows:

30 (c) out-patient hospital or clinic services in facilities operated in
31 compliance with applicable provisions of this chapter, the public health
32 law, the mental hygiene law and other laws, including any provisions
33 thereof requiring an operating certificate or license, including facili-
34 ties authorized by the appropriate licensing authority to provide inte-
35 grated mental health services, and/or alcoholism and substance abuse
36 services, and/or physical health services, and/or services to persons
37 with developmental disabilities, when such services are provided at a
38 single location or service site, or where such facilities are not
39 conveniently accessible, in any hospital located within the state and
40 care and services in a day treatment program operated by the department
41 of mental hygiene or by a voluntary agency under an agreement with such
42 department in that part of a public institution operated and approved
43 pursuant to law as an intermediate care facility for persons with devel-
44 opmental disabilities; and provided, that alcoholism and substance abuse
45 services shall be covered for a period of not less than forty-five days;
46 and provided further, that the commissioners of health, mental health,
47 alcoholism and substance abuse services and the office for people with
48 developmental disabilities may issue regulations, including emergency
49 regulations promulgated prior to October first, two thousand fifteen
50 that are required to facilitate the establishment of integrated services
51 clinics. Any such regulations promulgated under this paragraph shall be
52 described in the annual report required pursuant to section forty-five-c
53 of part A of chapter fifty-six of the laws of two thousand thirteen;

54 § 8. Paragraph (n) of subdivision 2 of section 365-a of the social
55 services law, as amended by chapter 558 of the laws of 1999, is amended
56 to read as follows:

(n) care, treatment, maintenance and rehabilitation services that would otherwise qualify for reimbursement pursuant to this chapter to persons suffering from alcoholism in alcoholism facilities or chemical dependence, as such term is defined in section 1.03 of the mental hygiene law, in inpatient chemical dependence facilities, services, or programs operated in compliance with applicable provisions of this chapter and the mental hygiene law, and certified by the office of alcoholism and substance abuse services, provided however that such services shall be limited to such periods of time as may be determined necessary in accordance with a utilization review procedure established by the commissioner of the office of alcoholism and substance abuse services and that such services shall be covered for a period of not less than forty-five days, and provided further, that this paragraph shall not apply to any hospital or part of a hospital as defined in section two thousand eight hundred one of the public health law.

§ 9. This act shall take effect immediately and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.