

# STATE OF NEW YORK

8256--A

Cal. No. 321

2019-2020 Regular Sessions

## IN ASSEMBLY

June 10, 2019

Introduced by M. of A. GOTTFRIED, GRIFFIN, GALEF -- read once and referred to the Committee on Health -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to consideration and prescription of non-opioid treatment alternatives for treatment of neuromusculoskeletal conditions

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

1 Section 1. Section 3331 of the public health law is amended by adding  
2 a new subdivision 9 to read as follows:

3 9. (a) When a patient seeks treatment for any neuromusculoskeletal  
4 condition that causes pain, where a practitioner considers an opioid  
5 treatment, the practitioner shall consider, discuss with the patient,  
6 and, as appropriate, refer or prescribe non-opioid treatment alterna-  
7 tives, based on the practitioner's clinical judgment and following  
8 generally accepted national professional or treatment guidelines, and  
9 consistent with patient preference and consent, before starting a  
10 patient on opioid treatment. For the purposes of this subdivision, non-  
11 opioid treatment alternatives include, but are not limited to: acupunc-  
12 ture, chiropractic, massage therapy, physical therapy, occupational  
13 therapy, cognitive behavioral therapy, non-opioid medications, interven-  
14 tional treatments and non-clinical activities such as exercise. The  
15 practitioner shall inform the patient that some treatments may not be  
16 covered by the patient's health coverage.

17 (b) The requirements of this subdivision shall not apply for patients  
18 being treated under any of the following circumstances: treatment of  
19 cancer; hospice or other end-of-life care; post-surgery treatment imme-  
20 diately following a surgical procedure; or in a medical emergency. For  
21 purposes of this subdivision, "medical emergency" means an acute injury  
22 or illness that poses an immediate risk to a person's life or health.

23 § 2. This act shall take effect immediately.

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

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