

STATE OF NEW YORK

1663--A

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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, including the use of medications, medical
8 devices and products approved and/or cleared by the food and drug admin-
9 istration for the treatment of withdrawal symptoms. Such inpatient
10 coverage shall include unlimited medically necessary treatment for
11 substance use disorder treatment services provided in residential
12 settings as required by the Mental Health Parity and Addiction Equity
13 Act of 2008 (29 U.S.C. § 1185a). Further, such inpatient coverage shall
14 not apply financial requirements or treatment limitations, including
15 utilization review requirements, to inpatient substance use disorder
16 benefits that are more restrictive than the predominant financial
17 requirements and treatment limitations applied to substantially all
18 medical and surgical benefits covered by the policy. Further, such
19 coverage shall be provided consistent with the federal Paul Wellstone
20 and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008
21 (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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1 § 2. Subparagraph (A) of paragraph 31 of subsection (i) of section
2 3216 of the insurance law, as added by chapter 41 of the laws of 2014,
3 is amended to read as follows:

4 (A) Every policy that provides medical, major medical or similar
5 comprehensive-type coverage must provide outpatient coverage for the
6 diagnosis and treatment of substance use disorder, including detoxifica-
7 tion and rehabilitation services, including the use of medications,
8 medical devices and products approved and/or cleared by the food and
9 drug administration for the treatment of withdrawal symptoms. Such
10 coverage shall not apply financial requirements or treatment limitations
11 to outpatient substance use disorder benefits that are more restrictive
12 than the predominant financial requirements and treatment limitations
13 applied to substantially all medical and surgical benefits covered by
14 the policy. Further, such coverage shall be provided consistent with
15 the federal Paul Wellstone and Pete Domenici Mental Health Parity and
16 Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

17 § 3. Paragraph 7-a of subsection (1) of section 3221 of the insurance
18 law, as added by section 2 of part B of chapter 69 of the laws of 2016,
19 is amended to read as follows:

20 (7-a) Every policy that provides medical, major medical or similar
21 comprehensive-type large group coverage shall provide coverage for medi-
22 cation for the detoxification or maintenance treatment, including
23 medical devices or products for the treatment of withdrawal symptoms, of
24 a substance use disorder approved by the food and drug administration
25 for the detoxification or maintenance treatment of substance use disor-
26 der.

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

30 (1-1) Every contract that provides medical, major medical, or similar
31 comprehensive-type large group coverage shall provide coverage for medi-
32 cation for the detoxification or maintenance treatment, including
33 medical devices or products for the treatment of withdrawal symptoms, of
34 a substance use disorder approved by the food and drug administration
35 for the detoxification or maintenance treatment of substance use disor-
36 der.

37 § 5. This act shall take effect on the first of January next succeed-
38 ing the date on which it shall have become a law and shall apply to
39 policies and contracts issued, renewed, modified, altered or amended on
40 and after such date.