STATE OF NEW YORK

5426

2019-2020 Regular Sessions

IN SENATE

April 30, 2019

Introduced by Sen. HARCKHAM -- 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 commercial insurance coverage of peer support services as part of treatment for substance use disorder

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

Section 1. 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 **and also including peer support services provided by a certified recovery peer advocate as defined by the office of alcoholism and substance abuse services**. 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).

§ 2. Subparagraph (A) of paragraph 31 of subsection (i) of section 3216 of the insurance law, as amended by section 6 of subpart A of part BB of chapter 57 of the laws of 2019, is amended to read as follows:

(A) Every policy that provides medical, major medical or similar comprehensive-type coverage shall provide outpatient coverage for the diagnosis and treatment of substance use disorder, including detoxification and rehabilitation services **and also including peer support services provided by a certified recovery peer advocate as defined by**

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

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the office of alcoholism and substance abuse services. 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.

§ 3. 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 **and also including peer support services provided by a certified recovery peer advocate as defined by the office of alcoholism and substance abuse services**. 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).

§ 4. Subparagraph (A) of paragraph 7 of subsection (l) of section 3221 of the insurance law, as amended by section 16 of subpart A of part BB of chapter 57 of the laws of 2019, is amended to read as follows:

(A) Every policy that provides medical, major medical or similar comprehensive-type coverage shall provide outpatient coverage for the diagnosis and treatment of substance use disorder, including detoxification and rehabilitation services **and also including peer support services provided by a certified recovery peer advocate as defined by the office of alcoholism and substance abuse services**. 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.

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

(1) Every contract 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 **and also including peer support services provided by a certified recovery peer advocate as defined by the office of alcoholism and substance abuse services**. 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 contract. 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).

§ 6. Paragraph 1 of subsection (l) of section 4303 of the insurance law, as amended by section 27 of subpart A of part BB of chapter 57 of the laws of 2019, is amended to read as follows:

(1) Every contract that provides medical, major medical or similar comprehensive-type coverage shall provide outpatient coverage for the diagnosis and treatment of substance use disorder, including detoxification and rehabilitation services **and also including peer support services provided by a certified recovery peer advocate as defined by the office of alcoholism and substance abuse services**. 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 contract.

§ 7. This act shall take effect on the thirtieth day after it shall have become a law; provided that the amendments to subparagraph (A) of paragraph (31) of subsection (i) of section 3216 of the insurance law made by section two of this act, the amendments to subparagraph (A) of paragraph (7) of subsection (l) of section 3221 of the insurance law made by section four of this act and the amendments to paragraph (1) of subsection (l) of section 4303 of the insurance law made by section six of this act shall take effect on the same date and in the same manner as subpart A of part BB of chapter 57 of the laws of 2019, takes effect.