

# STATE OF NEW YORK

3963

2019-2020 Regular Sessions

## IN SENATE

February 22, 2019

Introduced by Sens. RIVERA, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, the public health law and the insurance law, in relation to prohibiting a provider of health care coverage from requiring providers of behavioral health services to offer all products offered by the provider of health care coverage

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

1 Section 1. Section 365-m of the social services law is amended by  
2 adding a new subdivision 6 to read as follows:

3 6. (a) No managed care provider under section three hundred sixty-  
4 four-j of this title shall by contract or written policy or procedure,  
5 require a behavioral health services provider to participate in the  
6 in-network portion of any product offered by such managed care provider,  
7 other than products under such section. Behavioral health services  
8 providers shall have the right to select by execution of a separate  
9 agreement the products of such managed care provider in which the  
10 provider agrees to participate in the in-network portion.

11 (b) As used in this subdivision, "behavioral health services" means  
12 inpatient and outpatient behavioral health services provided by those  
13 licensed or certified pursuant to article thirty-one or thirty-two of  
14 the mental hygiene law, or programs that are licensed pursuant to both  
15 article thirty-one of the mental hygiene law and article twenty-eight of  
16 the public health law, or certified under both article thirty-two of the  
17 mental hygiene law and article twenty-eight of the public health law.

18 § 2. Section 2511 of the public health law is amended by adding a new  
19 subdivision 22 to read as follows:

20 22. (a) No approved organization shall by contract or written policy  
21 or procedure, require a behavioral health services provider to partic-  
22 ipate in the in-network portion of any product offered by such organiza-  
23 tion, other than products under this title. Behavioral health services  
24 providers shall have the right to select by execution of a separate  
25 agreement the products of such approved organization in which the  
26 provider agrees to participate in the in-network portion.

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

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(b) As used in this subdivision, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of this chapter, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of this chapter.

§ 3. Section 4406-c of the public health law is amended by adding a new subdivision 10 to read as follows:

10. (a) No health care plan licensed pursuant to this article shall by contract or written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such plan. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such plan in which the provider agrees to participate in the in-network portion.

(b) As used in this subdivision, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of this chapter, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of this chapter.

§ 4. Section 3217-b of the insurance law is amended by adding a new subsection (1) to read as follows:

(1) (1) No insurer subject to the provisions of this article shall by contract, written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such insurer. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such insurers in which the provider agrees to participate in the in-network portion.

(2) As used in this subsection, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of the public health law, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of the public health law.

§ 5. Section 4325 of the insurance law is amended by adding a new subsection (m) to read as follows:

(m) (1) No corporation organized pursuant to this article shall by contract, written policy or procedure, require a behavioral health services provider to participate in the in-network portion of any product offered by such corporation. Behavioral health services providers shall have the right to select by execution of a separate agreement the products of such corporation in which the provider agrees to participate in the in-network portion.

(2) As used in this subsection, "behavioral health services" means inpatient and outpatient behavioral health services provided by those licensed or certified pursuant to article thirty-one or thirty-two of the mental hygiene law, or programs that are licensed pursuant to both article thirty-one of the mental hygiene law and article twenty-eight of the public health law, or certified under both article thirty-two of the mental hygiene law and article twenty-eight of the public health law.

§ 6. This act shall take effect immediately.