

STATE OF NEW YORK

6212

2019-2020 Regular Sessions

IN SENATE

May 23, 2019

Introduced by Sen. KENNEDY -- 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 health insurance coverage of outpatient care provided by a mental health practitioner

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

1 Section 1. Item (ii) of subparagraph (A) of paragraph 5 of subsection
2 (1) of section 3221 of the insurance law, as amended by section 13 of
3 subpart A of part BB of chapter 57 of the laws of 2019, is amended to
4 read as follows:

5 (ii) where the policy provides coverage for physician services, it
6 shall include benefits for outpatient care provided by a psychiatrist or
7 psychologist licensed to practice in this state, or a mental health
8 counselor, marriage and family therapist, creative arts therapist or
9 psychoanalyst licensed pursuant to article one hundred sixty-three of
10 the education law, or a licensed clinical social worker who meets the
11 requirements of subparagraph (D) of paragraph four of this subsection, a
12 nurse practitioner licensed to practice in this state, or a professional
13 corporation or university faculty practice corporation thereof. Nothing
14 herein shall be construed to modify or expand the scope of practice of a
15 mental health counselor, marriage and family therapist, creative arts
16 therapist or psychoanalyst licensed pursuant to article one hundred
17 sixty-three of the education law.

18 § 2. Paragraph 2 of subsection (g) of section 4303 of the insurance
19 law, as added by section 22 of subpart A of part BB of chapter 57 of the
20 laws of 2019, is amended to read as follows:

21 (2) where the contract provides coverage for physician services bene-
22 fits for outpatient care provided by a psychiatrist or psychologist
23 licensed to practice in this state, or a mental health counselor,
24 marriage and family therapist, creative arts therapist or psychoanalyst
25 licensed pursuant to article one hundred sixty-three of the education

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

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1 law, or a licensed clinical social worker who meets the requirements of
2 subsection (n) of this section, a nurse practitioner licensed to prac-
3 tice ~~on~~ in this state, or professional corporation or university
4 faculty practice corporation thereof. Nothing herein shall be construed
5 to modify or expand the scope of practice of a mental health counselor,
6 marriage and family therapist, creative arts therapist or psychoanalyst
7 licensed pursuant to article one hundred sixty-three of the education
8 law.

9 § 3. This act shall take effect on the first of January next succeed-
10 ing the date upon which it shall have become a law and shall apply to
11 policies and contracts issued, renewed, modified, altered or amended on
12 or after such effective date; provided, however, that:

13 (a) if section 13 of subpart A of part BB of chapter 57 of the laws of
14 2019 shall not have taken effect on or before such date then section one
15 of this act shall take effect on the same date and in the same manner as
16 such chapter of the laws of 2019 takes effect; and

17 (b) if section 22 of subpart A of part BB of chapter 57 of the laws of
18 2019 shall not have taken effect on or before such date then section two
19 of this act shall take effect on the same date and in the same manner as
20 such chapter of the laws of 2019 takes effect.