

# STATE OF NEW YORK

886

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

Introduced by Sens. YOUNG, ORTT -- 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 chapter 502 of  
3 the laws of 2007, is amended to read as follows:

4 (ii) where the policy provides coverage for physician services, it  
5 shall include benefits for outpatient care provided by a psychiatrist or  
6 psychologist licensed to practice in this state, or a mental health  
7 counselor, marriage and family therapist, creative arts therapist or  
8 psychoanalyst licensed pursuant to article one hundred sixty-three of  
9 the education law, or a licensed clinical social worker who meets the  
10 requirements of subparagraph (D) of paragraph four of this subsection,  
11 or a professional corporation or university faculty practice corporation  
12 thereof. Such benefits may be limited to not less than twenty visits in  
13 any contract year, plan year, or calendar year. Nothing herein shall be  
14 construed to modify or expand the scope of practice of a mental health  
15 counselor, marriage and family therapist, creative arts therapist or  
16 psychoanalyst licensed pursuant to article one hundred sixty-three of  
17 the education law.

18 § 2. Paragraph 1 of subsection (h) of section 4303 of the insurance  
19 law, as amended by chapter 502 of the laws of 2007, is amended to read  
20 as follows:

21 (1) A medical expense indemnity corporation or a health service corpo-  
22 ration, which provides group, group remittance or school blanket cover-  
23 age for physician services, shall provide as part of its contract broad-  
24 based coverage for the diagnosis and treatment of mental, nervous or  
25 emotional disorders or ailments, however defined in such contract, at

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

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1 least equal to the coverage provided for other health conditions and  
2 shall include: benefits for outpatient care provided by a psychiatrist  
3 or psychologist licensed to practice in this state, or a mental health  
4 counselor, marriage and family therapist, creative arts therapist or  
5 psychoanalyst licensed pursuant to article one hundred sixty-three of  
6 the education law, or a licensed clinical social worker who meets the  
7 requirements of subsection (n) of this section, or a professional corpo-  
8 ration or university faculty practice corporation thereof, which bene-  
9 fits may be limited to not less than twenty visits in any contract year,  
10 plan year or calendar year. Such coverage may be provided on a contract  
11 year, plan year or calendar year basis and shall be consistent with the  
12 provision of other benefits under the contract. Such coverage may be  
13 subject to annual deductibles, co-pays and coinsurance as may be deemed  
14 appropriate by the superintendent and shall be consistent with those  
15 imposed on other benefits under the contract. In the event the group  
16 remittance group or contract holder is provided coverage provided under  
17 this paragraph and under subparagraph (B) of paragraph one of subsection  
18 (g) of this section from the same health service corporation, or under a  
19 contract which is jointly underwritten by two health service corpo-  
20 rations or by a health service corporation and a medical expense indem-  
21 nity corporation, the aggregate of the benefits for out-patient care  
22 obtained under subparagraph (B) of paragraph one of subsection (g) of  
23 this section and this paragraph may be limited to not less than twenty  
24 visits in any contract year, plan year or calendar year. Nothing herein  
25 shall be construed to modify or expand the scope of practice of a mental  
26 health counselor, marriage and family therapist, creative arts therapist  
27 or psychoanalyst licensed pursuant to article one hundred sixty-three of  
28 the education law.

29 § 3. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law and shall apply to  
31 policies and contracts issued, renewed, modified, altered or amended on  
32 or after such effective date.