STATE OF NEW YORK

3642

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT in relation to determining whether the state can claim federal financial participation for coverage of and payment for certain prescription digital therapeutics

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

Section 1. Legislative finding and declaration. New Yorkers in recovery for substance and opioid use disorders and in treatment for mental health conditions are losing access to in-person treatment under the state's "stay at home" and social distancing orders as part of coronavirus pandemic mitigation efforts. In recent news reports, experts warn that the coronavirus pandemic may be "a national relapse trigger" for individuals in treatment for alcohol, cocaine, methamphetamine, marijuana, and heroin addiction. Prescription Digital Therapeutics (PDTs) are new, software-based disease treatments designed to directly treat disease, tested for safety and efficacy in randomized clinical trials, evaluated by the FDA, and prescribed by healthcare providers. These therapies are designed and tested much like traditional prescription drugs with one distinction: rather than swallowing a pill or taking an injection, patients are treated with software. Certain PDTs provide clinicians and patients with evidence-based remote treatment modalities to treat substance and opioid use disorders, mental health, and other diseases and conditions. However, there is no clear statutory benefit category to allow Medicaid coverage for PDTs. In light of the promise of PDTs for the treatment of patients with substance use and opioid use disorders during the coronavirus pandemic, this legislation would require that the New York state department of health seek guidance from the Centers for Medicare and Medicaid Services relative to a coverage and reimbursement pathway for PDTs, in order to accelerate access to such therapies for enrollees.

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

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§ 2. No later than 30 days from the effective date of this section, the New York state department of health shall request guidance from the Centers for Medicare and Medicaid Services to determine whether the state can claim federal financial participation for coverage of and payment for certain prescription digital therapeutics approved by the food and drug administration to treat substance use and opioid use disorders.

§ 3. This act shall take effect immediately.