

# STATE OF NEW YORK

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5878

2021-2022 Regular Sessions

## IN ASSEMBLY

March 1, 2021

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

AN ACT to amend the mental hygiene law, in relation to establishing a workgroup to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services

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

1 Section 1. Section 7.07 of the mental hygiene law is amended by adding  
2 a new subdivision (i) to read as follows:

3 (i) 1. The commissioner of the office of mental health, in collab-  
4 oration with the commissioner of the department of health and the  
5 commissioner of the office of addiction services and supports are  
6 directed to convene and jointly chair, either directly or through a  
7 designee or designees, a workgroup, which shall include membership that  
8 ensures adequate statewide geographic representation selected with equal  
9 contributions on such selection from the governor, the speaker of the  
10 assembly and temporary president of the senate and be comprised of the  
11 following members: (i) professional associations representing substance  
12 use, mental health, and/or behavioral health providers; (ii) represen-  
13 tatives from professional associations representing providers of peer  
14 and recovery-based programs and services; (iii) representatives from  
15 professional associations representing medicated assisted treatment  
16 providers; (iv) representatives from professional associations repres-  
17 enting children's behavioral health providers; (v) representatives from  
18 hospital associations; (vi) representatives from associations represent-  
19 ing behavioral health consumers and family members; and (vii) any addi-  
20 tional stakeholder or expert that the commissioners deem necessary.  
21 Members of the workgroup shall serve without compensation, but may be  
22 reimbursed for actual costs incurred for participation on such work-  
23 group.

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

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1     2. The workgroup shall conduct an analysis on the ambulatory patient  
2 group rates and commercial insurance rates for behavioral health  
3 services for the purpose of developing a report that shall provide  
4 recommendations on the following: (i) rate adequacy related to the  
5 existing ambulatory patient group-based reimbursement provided under  
6 medicaid managed care, as well as for commercial insurance rates with  
7 regards to services rendered under child health plus, or for services  
8 provided by clinics licensed or certified pursuant to article thirty-one  
9 or thirty-two of this chapter or dually licensed or certified under  
10 article thirty-one or thirty-two of this chapter and article twenty-  
11 eight of the public health law; (ii) the actual costs of care associated  
12 with the delivery of behavioral health services; (iii) one or more  
13 alternative reimbursement models that would adequately compensate clin-  
14 ics licensed or holding an operating certificate under article thirty-  
15 one or thirty-two of this chapter or dually licensed under article thir-  
16 ty-one or thirty-two of this chapter and article twenty-eight of the  
17 public health law for their costs of care under medicaid managed care  
18 and child health plus; and (iv) any policy or fiscal resources necessary  
19 to carry out the recommendations of the report developed pursuant to  
20 this section. The report shall be submitted to the governor, the speaker  
21 of the assembly and the temporary president of the senate no later than  
22 October first, two thousand twenty-three.

23     § 2. This act shall take effect on the ninetieth day after it shall  
24 have become a law.