STATE OF NEW YORK

879

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, DINOWITZ, GALEF, PAULIN, L. ROSENTHAL, COLTON, ABINANTI -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to the definition of clinical peer reviewer

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

Section 1. Subdivision 2 of section 4900 of the public health law, as amended by chapter 586 of the laws of 1998, item (B) of subparagraph (ii) of paragraph (a) as amended by chapter 41 of the laws of 2014 and subparagraph (iii) as amended and subparagraph (iv) of paragraph (a) as added by section 42 of subpart A of part BB of chapter 57 of the laws of 2019, is amended to read as follows: 2. "Clinical peer reviewer" means:

(a) [for purposes of title one of this article:

8

9 (i) a physician who possesses a current and valid non-restricted 10 license to practice medicine; or

(ii) a health care professional other than a licensed physician who: (A) where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the

15 national accrediting body appropriate to the profession; and

16 (B) is in the same profession and same or similar specialty as the 17 health care provider who typically manages the medical condition or 18 disease or provides the health care service or treatment under review; 19 or

20 (iii) for purposes of a determination involving substance use disorder 21 treatment:

22 (A) a physician who possesses a current and valid non-restricted
 23 license to practice medicine and who specializes in behavioral health

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

LBD00261-01-1

1	and has experience in the delivery of substance use disorder courses of
2	treatment; or
3	(B) a health care professional other than a licensed physician who
4	specializes in behavioral health and has experience in the delivery of
5	substance use disorder courses of treatment and, where applicable,
б	possesses a current and valid non-restricted license, certificate or
7	registration or, where no provision for a license, certificate or regis-
8	tration exists, is credentialed by the national accrediting body appro-
9	priate to the profession; or
10	(iv) for purposes of a determination involving treatment for a mental
11	health condition:
12	(A) a physician who possesses a current and valid non-restricted
13	license to practice medicine and who specializes in behavioral health
14	and has experience in the delivery of mental health courses of treat-
15	ment; or
16	(B) a health care professional other than a licensed physician who
17	specializes in behavioral health and has experience in the delivery of a
18	mental health courses of treatment and, where applicable, possesses a
19	gurrent and valid non-restricted license, certificate, or registration
20	or, where no provision for a license, certificate or registration
21 22	exists, is credentialed by the national accrediting body appropriate to
22 23	the profession; and (b) for purposes of title two of this article;
23 24	(b) for purposes of title two of this articles
24 25	$\left[\frac{1}{(\lambda)}\right]$ (i) possesses a current and valid non-restricted license to
26	practice medicine <u>under article one hundred thirty-one of the education</u>
20 27	law;
28	[(B)] (ii) where applicable, is board certified or board eligible in
29	the same or similar specialty as the health care provider who typically
30	manages the medical condition or disease or provides the health care
31	service or treatment under <u>review or</u> appeal;
32	[(C)] <u>(iii)</u> has been practicing in such area of specialty for a period
33	of at least five years; [and]
34	(iv) for purposes of a determination involving substance use disorder
35	treatment, possesses a current and valid non-restricted license to prac-
36	tice medicine and specializes in behavioral health and has experience in
37	the delivery of substance use disorder courses of treatment;
38	(v) for purposes of a determination involving treatment for a mental
39	health condition, possesses a current and valid non-restricted license
40	to practice medicine and who specializes in behavioral health and has
41	experience in the delivery of mental health courses of treatment; and
42	$[\frac{(D)}{(D)}]$ (vi) is knowledgeable about the health care service or treatment
43	under <u>review or</u> appeal; or
44	[(ii)] <u>(b)</u> a health care professional other than a licensed physician
45	who possesses a current and valid non-restricted license or certif-
46	ication under title eight of the education law:
47	[(A)] <u>(i)</u> where applicable, possesses a current and valid non-res-
48	tricted license, certificate or registration;
49	[(B)] <u>(ii)</u> where applicable, is credentialed by the national accredit-
50	ing body appropriate to the profession in the same profession and same
51	or similar specialty as the health care provider who typically manages
52	the medical condition or disease or provides the health care service or
53	treatment under <u>review or</u> appeal;
54	[(C)] <u>(iii)</u> has been practicing in such area of specialty for a period

55 of at least five years;

1	
1	[(D)] (iv) is knowledgeable about the health care service or treatment
2	under <u>review or</u> appeal; [and]
3	(v) for purposes of a determination involving substance use disorder,
4	specializes in behavioral health and has experience in the delivery of
5	substance use disorder courses of treatment and, where applicable,
6	possesses a current and valid non-restricted license, certificate or
7	registration or, where no provision for a license, certificate or regis-
8	tration exists, is credentialed by the national accrediting body appro-
9	<u>priate to the profession;</u>
10	(vi) for purposes of a determination involving treatment for a mental
11	health condition, specializes in behavioral health and has experience in
12	the delivery of mental health courses of treatment and, where applica-
13	ble, possesses a current and valid non-restricted license, certificate,
14	or registration or, where no provision for a license, certificate or
15	registration exists, is credentialed by the national accrediting body
16	appropriate to the profession; and
17	[(E)] <u>(vii)</u> where applicable to such health care professional's scope
18	of practice, is clinically supported by a physician who possesses a
19	current and valid non-restricted license to practice medicine.
20	[(c)] Nothing [herein] in this subdivision shall be construed to
21	change any statutorily-defined scope of practice.
22	§ 2. Subsection (b) of section 4900 of the insurance law, as amended
23	by chapter 586 of the laws of 1998, item (ii) of subparagraph (B) of
24	paragraph 1 as amended by chapter 41 of the laws of 2014, subparagraph
25	(C) as amended and subparagraph (D) of paragraph 1 as added by section
26	36 of subpart A of part BB of chapter 57 of the laws of 2019, is amended
27	to read as follows:
28	(b) "Clinical peer reviewer" means:
29	(1) [for purposes of title one of this article:
30	(A) a physician who possesses a current and valid non-restricted
31	license to practice medicine; or
32	(B) a health care professional other than a licensed physician who:
33	
	(i) where applicable, possesses a current and valid non-restricted
34	(i) where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a
34 35	license, certificate or registration or, where no provision for a
35	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the
35 36	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and
35	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the
35 36 37 38	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or
35 36 37	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or
35 36 37 38 39 40	license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or
35 36 37 38 39 40 41	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder</pre>
35 36 37 38 39 40 41 42	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment;</pre>
35 36 37 38 39 40 41 42 43	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted</pre>
35 36 37 38 39 40 41 42 43 44	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health</pre>
35 36 37 38 39 40 41 42 43 44 45	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of</pre>
35 36 37 38 40 41 42 43 42 43 44 45 46	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; or</pre>
35 36 37 38 39 40 41 42 43 44 45 46 47	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; (ii) a health care professional other than a licensed physician who</pre>
35 36 37 38 39 40 41 42 43 44 45 46 47 48	<pre>lisense, sertificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of (ii) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of</pre>
35 36 37 38 39 40 41 42 43 44 45 46 47 48 49	<pre>ligense, certificate or registration or, where no provision for a ligense, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession, and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted ligense to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; (ii) a health care professional other than a ligensed physician who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable,</pre>
35 37 38 39 40 41 42 43 445 467 489 50	<pre>ligense, certificate or registration or, where no provision for a ligense, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; (ii) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or</pre>
35 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession, and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review, or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; or (ii) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or regist</pre>
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35 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51	<pre>license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession, and (ii) is in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review; or (C) for purposes of a determination involving substance use disorder treatment: (i) a physician who possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment; or (ii) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration</pre>

55 health condition:

1	(i) a physician who possesses a current and valid non-restricted
2	license to practice medicine and who specializes in behavioral health
3	and has experience in the delivery of mental health courses of treat-
4	ment; or
5	(ii) a health care professional other than a licensed physician who
б	specializes in behavioral health and has experience in the delivery of
7	mental health courses of treatment and, where applicable, possesses a
8	current and valid non-restricted license, certificate, or registration
9	or, where no provision for a license, certificate or registration
10	exists, is credentialed by the national accrediting body appropriate to
11	the profession; and
12	(2) for purposes of title two of this article:
13	(A) a physician who:
14^{13}	$\left[\frac{(1)}{(1)}\right]$ (A) possesses a current and valid non-restricted license to
15^{14}	practice medicine <u>under article one hundred thirty-one of the education</u>
16	<u>law;</u>
17	[(ii)] (B) where applicable, is board certified or board eligible in
18	the same or similar specialty as the health care provider who typically
19	manages the medical condition or disease or provides the health care
20	service or treatment under review or appeal;
21	[(iii)] (C) has been practicing in such area of specialty for a period
22	of at least five years; [and]
23	(D) for purposes of a determination involving substance use disorder
24	treatment, possesses a current and valid non-restricted license to prac-
25	tice medicine and who specializes in behavioral health and has experi-
26	ence in the delivery of substance use disorder courses of treatment;
27	(E) for purposes of a determination involving treatment for a mental
28	health condition, possesses a current and valid non-restricted license
29	to practice medicine and who specializes in behavioral health and has
29 30	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and
	to practice medicine and who specializes in behavioral health and has
30	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under <u>review or</u> appeal; or
30 31	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment
30 31 32	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under <u>review or</u> appeal; or
30 31 32 33	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician</pre>
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30 31 32 33 34 35 36	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res-
30 31 32 33 34 35 36 37	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration;</pre>
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30 31 32 33 34 35 36 37 38 39	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages</pre>
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30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience</pre>
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30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 5 46 47 48	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(ii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license,</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42 43 445 467 48 49	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [{iv}] (F) is knowledgeable about the health care service or treatment under review or appeal; or [{B}] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [{i}] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [{ii] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [{iii]] (C) has been practicing in such area of specialty for a period of at least five years; [{iv}] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license,</pre>
30 31 32 33 35 36 37 38 40 41 42 43 45 467 489 50	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national</pre>
30 31 32 33 35 36 37 38 39 40 41 42 43 45 46 47 48 49 50 51	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession;</pre>
30 31 32 33 35 36 37 38 30 41 42 43 45 46 47 489 51 52	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; (E) for purposes of a determination involving treatment for a mental</pre>
30 312 33 35 36 37 39 412 43 45 467 489 512 525	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession: (E) for purposes of a determination involving treatment for a mental health condition, specializes in behavioral health and has experience in</pre>
30 312 333 35 36 3739 412345 456789012235 5125354	to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; (E) for purposes of a determination involving treatment for a mental health condition, specializes in behavioral health and has experience in the delivery of mental health courses of treatment and, where applica-
30 312 33 35 36 37 39 412 43 45 467 489 512 525	<pre>to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and [(iv)] (F) is knowledgeable about the health care service or treatment under review or appeal; or [(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certif- ication under title eight of the education law: [(i)] (A) where applicable, possesses a current and valid non-res- tricted license, certificate or registration; [(ii)] (B) where applicable, is credentialed by the national accredit- ing body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal; [(iii)] (C) has been practicing in such area of specialty for a period of at least five years; [(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession: (E) for purposes of a determination involving treatment for a mental health condition, specializes in behavioral health and has experience in</pre>

1	registration exists, is credentialed by the national accrediting body
2	appropriate to the profession;
3	(F) is knowledgeable about the health care service or treatment under
4	review or appeal; and
5	[(,,,]] (G) where applicable to such health care professional's scope of
6	practice, is clinically supported by a physician who possesses a current
7	and valid non-restricted license to practice medicine.
8	[(3)] Nothing [herein] in this subdivision shall be construed to
9	change any statutorily-defined scope of practice.
10	§ 3. This act shall take effect on the ninetieth day after it shall
11	have become a law.