STATE OF NEW YORK

9097

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. STECK -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to requiring mental health evaluations for participants in substance use disorder treatment programs

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

Section 1. Section 19.09 of the mental hygiene law is amended by adding a new subdivision (m) to read as follows:

(m)(1) Notwithstanding any provision of law to the contrary, the commissioner shall require all certified substance use disorder treatment-related programs approved by the office to provide program participants with a mental health evaluation conducted by a licensed professional whose scope of practice includes the diagnosis of mental health disorders who shall, if appropriate, refer the participant for outpatient mental health treatment. Transportation services to such outpatient treatment shall be provided to a participant.

(2) The office shall establish a bureau of qualified licensed providers for all licensed professionals as defined in paragraph one of this subdivision who shall provide such evaluation pursuant to this subdivision.

(3) As an alternative to the provisions of paragraph one of this subdivision, programs certified by the office may choose to utilize their own employees or independent contractors to provide both the evaluation referred to in paragraph one of this subdivision and the treatment of persons with co-occurring disorders. Notwithstanding any law, rule, or regulation to the contrary, the commissioner is authorized to certify such programs for the outpatient treatment of patients diagnosed with co-occurring disorders provided in OASAS-certified facilities, provided that such programs shall use only providers of the type described in paragraph one of this subdivision.

(4) No primary diagnosis shall be required for a person to be treated in a program for co-occurring disorders. A mental health diagnosis shall

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

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not be a basis for the denial of admission to, or the expulsion from, a certified substance use disorder treatment facility.

(5) The commissioner shall endeavor to ensure that all existing provisions of this chapter are complied within the establishment of programs for persons with co-occurring disorders, but the commissioner may, in the course of the regulatory process, determine that any such provisions are an obstacle to fulfillment of effective treatment of co-occurring disorders and, as such, shall not be part of the certification process under this article.

(6) Notwithstanding any other provision of law to the contrary, the bureau established pursuant to paragraph two of this subdivision and the programs for co-occurring disorders described in paragraph three of this subdivision, shall have access to all prior substance abuse and mental health treatment records for use in the evaluation prescribed in paragraph one of this subdivision and all other treatment related purposes.

(7) The commissioner shall promulgate rules and regulations necessary for the effectuation of this section, including the use of telehealth services, appropriate reimbursement for the transportation referred to in this subdivision, and appropriate billing requirements and reimbursement for programs providing integrated services to individuals with co-occurring disorders in an OASAS-certified outpatient facility, including medical, psychiatric and clinical services.

§ 2. This act shall take effect immediately.