

STATE OF NEW YORK

1915

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sen. AKSHAR -- 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 providing that coverage for outpatient diagnosis and treatment of substance use disorder shall not be subject to preauthorization

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

1 Section 1. Subparagraph (A) of paragraph 31 of subsection (i) of
2 section 3216 of the insurance law, as amended by section 6 of subpart A
3 of part BB of chapter 57 of the laws of 2019, is amended to read as
4 follows:

5 (A) Every policy that provides medical, major medical or similar
6 comprehensive-type coverage shall provide outpatient coverage for the
7 diagnosis and treatment of substance use disorder, including detoxifica-
8 tion and rehabilitation services. Such coverage shall not be subject to
9 preauthorization and shall not apply financial requirements or treatment
10 limitations to outpatient substance use disorder benefits that are more
11 restrictive than the predominant financial requirements and treatment
12 limitations applied to substantially all medical and surgical benefits
13 covered by the policy.

14 § 2. Subparagraph (A) of paragraph 7 of subsection (1) of section 3221
15 of the insurance law, as amended by section 16 of subpart A of part BB
16 of chapter 57 of the laws of 2019, is amended to read as follows:

17 (A) Every policy that provides medical, major medical or similar
18 comprehensive-type coverage shall provide outpatient coverage for the
19 diagnosis and treatment of substance use disorder, including detoxifica-
20 tion and rehabilitation services. Such coverage shall not be subject to
21 preauthorization and shall not apply financial requirements or treatment
22 limitations to outpatient substance use disorder benefits that are more
23 restrictive than the predominant financial requirements and treatment

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

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1 limitations applied to substantially all medical and surgical benefits
2 covered by the policy.

3 § 3. Paragraph 1 of subsection (1) of section 4303 of the insurance
4 law, as amended by section 27 of subpart A of part BB of chapter 57 of
5 the laws of 2019, is amended to read as follows:

6 (1) Every contract that provides medical, major medical or similar
7 comprehensive-type coverage shall provide outpatient coverage for the
8 diagnosis and treatment of substance use disorder, including detoxifica-
9 tion and rehabilitation services. Such coverage shall not **be subject to**
10 **preauthorization and shall not** apply financial requirements or treatment
11 limitations to outpatient substance use disorder benefits that are more
12 restrictive than the predominant financial requirements and treatment
13 limitations applied to substantially all medical and surgical benefits
14 covered by the contract.

15 § 4. This act shall take effect immediately, and shall apply to
16 policies and contracts issued, renewed, modified, altered or amended on
17 or after such date.