

# STATE OF NEW YORK

4359--B

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to referring individuals to appropriate service providers for substance use disorders

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

1 Section 1. Section 2803-u of the public health law, as added by  
2 section 1 of part C of chapter 70 of the laws of 2016 and subdivision 1  
3 as amended by section 1 of subpart B of part BB of chapter 57 of the  
4 laws of 2019, is amended to read as follows:  
5 § 2803-u. Hospital substance use disorder policies and procedures. 1.  
6 The office of [~~alcoholism and substance abuse~~] addiction services and  
7 supports, in consultation with the department, shall develop or utilize  
8 existing educational materials to be provided to general hospitals to  
9 disseminate to individuals with a documented substance use disorder or  
10 who appear to have or be at risk for a substance use disorder during  
11 discharge planning pursuant to section twenty-eight hundred three-i of  
12 this article. Such materials shall include information regarding the  
13 various types of harm reduction, treatment, and recovery services,  
14 including but not limited to: overdose prevention and syringe exchange  
15 services; inpatient, outpatient, and medication-assisted treatment; how  
16 to recognize the need for treatment or other substance use disorder  
17 services; information for individuals to determine what type and level  
18 of care or treatment is most appropriate and what resources are avail-  
19 able to them; and any other information the commissioner deems appropri-  
20 ate. General hospitals shall include in their policies and procedures  
21 treatment protocols, consistent with medical standards, to be utilized

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

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1 by the emergency departments in general hospitals for the appropriate  
2 use of medication-assisted treatment, including, but not limited to  
3 buprenorphine, prior to discharge, or referral protocols for evaluation  
4 of medication-assisted treatment when initiation in an emergency depart-  
5 ment of a general hospital is not feasible.

6 2. Every general hospital shall: (a) within existing or in addition to  
7 current policies and procedures, develop, maintain and disseminate,  
8 written policies and procedures, for the identification, assessment, and  
9 referral of individuals with a documented substance use disorder or who  
10 appear to have or be at risk for a substance use disorder as defined in  
11 section 1.03 of the mental hygiene law. Patient referrals shall be  
12 arranged on a specific date, with specific inpatient or outpatient  
13 substance use treatment organization. Except as provided in paragraph  
14 (c) of this subdivision, such policies and procedures shall require  
15 every hospital to offer treatment, including medication assisted treat-  
16 ment when deemed necessary, to the individual within seventy-two hours  
17 of such individual being diagnosed with a substance use disorder,  
18 provided, further, that every hospital shall immediately address symp-  
19 toms of withdrawal;

20 (b) establish and implement training, within existing or in addition  
21 to current training programs, for all individuals licensed or certified  
22 pursuant to title eight of the education law who provide direct patient  
23 care regarding the policies and procedures established pursuant to this  
24 section; and

25 (c) except where an individual has come into the hospital under  
26 section 22.09 of the mental hygiene law, if the hospital does not  
27 directly provide substance use disorder services, or the individual  
28 refuses services, then [~~it~~] the hospital shall refer such individuals in  
29 need of substance use disorder services to [~~and coordinate with~~  
30 ~~substance use disorder services programs~~] an appropriate service provid-  
31 er that [~~provide~~] provides behavioral health services, as defined in  
32 section 1.03 of the mental hygiene law, or a hypodermic syringe and  
33 needle exchange program authorized pursuant to section 80.135 of part 80  
34 of title 10 of the New York state codes, rules and regulations, that has  
35 the ability to provide services to the individual within seventy-two  
36 hours.

37 3. Upon commencement of treatment, admission, or discharge of an indi-  
38 vidual with a documented substance use disorder or who appears to have  
39 or be at risk for a substance use disorder, including discharge from the  
40 emergency department, such hospital shall inform the individual of the  
41 availability of the substance use disorder treatment services that may  
42 be available to them through a substance use disorder or harm reduction  
43 services program and, if requested, refer the individual to the appro-  
44 priate services. Such efforts to refer the individual shall be docu-  
45 mented in such individual's medical record.

46 4. The commissioner, in consultation with the commissioner of the  
47 office of [~~alcoholism and substance abuse~~] addiction services and  
48 supports, shall make regulations as may be necessary and proper to carry  
49 out the provisions of this section.

50 § 2. This act shall take effect on the first of January next succeed-  
51 ing the date on which it shall have become a law.