STATE OF NEW YORK

599

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed 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 1 2 amended by chapter 586 of the laws of 1998, item (B) of subparagraph 3 (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 4 5 added by section 42 of subpart A of part BB of chapter 57 of the laws of б 2019, is amended to read as follows: 7

2. "Clinical peer reviewer" means:

8

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

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

11 (ii) a health care professional other than a licensed physician who: 12 (A) where applicable, possesses a current and valid non-restricted 13 license, certificate or registration or, where no provision for a 14 license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; and 15

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

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 license to practice medicine and who specializes in behavioral health 23

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

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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,
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	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	current and valid non-restricted license, certificate, or registration
20	or, where no provision for a license, certificate or registration
21	exists, is credentialed by the national accrediting body appropriate to
22	the profession; and
23	(b) for purposes of title two of this article:
24	(i)] a physician who:
25	[(A)] (i) possesses a current and valid non-restricted license to
26	practice medicine <u>under article one hundred thirty-one of the education</u>
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-
	tice medicine and specializes in behavioral health and has experience in
36	the delivery of substance use disorder courses of treatment;
37	
38	(v) for purposes of a determination involving treatment for a mental health condition, possesses a current and valid non-restricted license
39	
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	$[(\mathbf{D})]$ (vi) is knowledgeable about the health care service or treatment
43	under <u>review or</u> appeal; or
44	[(ii)] (b) 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	$[(\Lambda)]$ (i) 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;

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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,
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;
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)] (vii) 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
22	by chapter 586 of the laws of 1998, item (ii) of subparagraph (B) of
23 24	paragraph 1 as amended by chapter 41 of the laws of 2014, subparagraph
25	
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	license, certificate or registration or, where no provision for a
35	license, certificate or registration exists, is credentialed by the
36	national accrediting body appropriate to the profession; and
37	(ii) is in the same profession and same or similar specialty as the
38	health care provider who typically manages the medical condition or
39	disease or provides the health care service or treatment under review;
40	or
41	(C) for purposes of a determination involving substance use disorder
42	treatment:
43	(i) a physician who possesses a current and valid non-restricted
44	license to practice medicine and who specializes in behavioral health
45	and has experience in the delivery of substance use disorder courses of
46	treatment; or
47	(ii) a health care professional other than a licensed physician who
48	specializes in behavioral health and has experience in the delivery of
49	substance use disorder courses of treatment and, where applicable,
50	possesses a current and valid non-restricted license, certificate or
51	registration or, where no provision for a license, certificate or regis-
52	tration exists, is credentialed by the national accrediting body appro-
53	priate to the profession; or
53 54	(D) for purposes of a determination involving treatment for a mental
J-1	(b) for purposed of a determination involving eleacment for a mental

55 health condition:

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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	$\left[\frac{(1)}{(1)}\right]$ (A) possesses a current and valid non-restricted license to
15	practice medicine <u>under article one hundred thirty-one of the education</u>
16	law;
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	5
20	service or treatment under <u>review or</u> 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
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 under <u>review or</u> appeal; or [(B)] (2) a health care professional other than a licensed physician
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	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 [(B)] (2) a health care professional other than a licensed physician
30 31 32 33 34	<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-</pre>
30 31 32 33 34 35	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:
30 31 32 33 34 35 36	<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>
30 31 32 33 34 35 36 37 38	<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; [(i)] (B) where applicable, is credentialed by the national accredit-</pre>
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</pre>
30 31 32 33 34 35 36 37 38 39 40	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; [(i)] (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
30 31 32 33 34 35 36 37 38 39 40 41	<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</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42	<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;</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42 43	<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</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	<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;</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45	<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 [(P)] (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</pre>
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>
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47	<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,</pre>
30 31 32 33 34 35 36 37 38 39 40 41 42 43 445 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 39 40 42 43 45 46 47 48 49 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; [{iiv}] (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 40 41 42 43 45 467 489 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 31 32 33 35 36 37 38 30 412 43 45 46 47 489 51 52 53	<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 512535	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 31 32 33 35 36 37 38 30 412 43 45 46 47 489 51 52 53	<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	<u>review or</u> appeal; and
5	[(,,,,]] (G) where applicable to such health care professional's scope of
б	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.