STATE OF NEW YORK

6306--A

2021-2022 Regular Sessions

IN SENATE

April 21, 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

AN ACT in relation to determining whether the state can claim federal financial participation for coverage of and payment for certain evidence-based mobile medical applications

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

Section 1. Legislative finding and declaration. New Yorkers in recovery for substance and opioid use disorders and in treatment for mental health conditions are losing access to in-person treatment under the state's "stay at home" and social distancing orders as part of coronavirus pandemic mitigation efforts. In recent news reports, experts warn that the coronavirus pandemic may be "a national relapse trigger" for individuals in treatment for alcohol, cocaine, methamphetamine, marijuana, and heroin addiction. Evidence-based mobile medical applications are new, software-based disease treatments designed to directly treat disease, tested for safety and efficacy in randomized clinical trials, evaluated by the FDA, and prescribed by healthcare providers. These therapies are designed and tested much like traditional prescription drugs with one distinction: rather than swallowing a pill or taking an injection, patients are treated with software. Certain evidence-based mobile medical applications provide clinicians and patients with evidence-based remote treatment modalities to treat substance and opioid use disorders, mental health, and other diseases and conditions. However, there is no clear statutory benefit category to allow Medicaid coverage for evidence-based mobile medical applications. In light of the promise of evidence-based mobile medical applications for the treatment of patients with substance use and opioid use disorders during the coronavirus pandemic, this legislation would require that the New York

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

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state department of health seek guidance from the Centers for Medicare and Medicaid Services relative to a coverage and reimbursement pathway for evidence-based mobile medical applications, in order to accelerate access to such therapies for enrollees.

§ 2. No later than 30 days from the effective date of this section, the New York state department of health shall request guidance from the Centers for Medicare and Medicaid Services to determine whether the state can claim federal financial participation for coverage of and payment for evidence-based mobile medical applications approved by the food and drug administration to treat substance use and opioid use disorders.

§ 3. This act shall take effect immediately.