# STATE OF NEW YORK

8219--A

Cal. No. 551

# IN SENATE

February 2, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to requiring an annual report for the independent substance use disorder and mental health ombudsman program

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

Section 1. Section 33.27 of the mental hygiene law, as added by section 1 of part FF of chapter 57 of the laws of 2018, is amended to read as follows:

§ 33.27 Independent substance use disorder and mental health ombudsman.

(a) There is hereby established the office of the independent substance use disorder and mental health ombudsman program that will be operated or selected by the office of [~~alcoholism and substance abuse~~] addiction services and supports, in consultation with the office of mental health for the purpose of assisting individuals with a substance use disorder and/or mental illness to ensure that they receive appropriate health insurance coverage.

(b) Such ombudsman will identify, investigate, refer and resolve complaints that are made by, or on behalf of, consumers relative to health insurance coverage and access to initial and continuing substance use disorder care and mental health care; accept, investigate, refer and help to resolve complaints that are made by treatment providers relative to health insurance coverage of and reimbursement for initial or continuing substance use disorder and mental health care; accept, investigate, refer and help to resolve complaints that are made by or on behalf of consumers or by providers relative to network adequacy for access to and continuing substance use disorder and mental health care. **By October thirty-first annually, the ombudsman must submit an annual report summarizing the work of the program and make recommendations to address systemic issues identified during the previous year. Such annual report**

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

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**shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly and the relevant legislative committee chairs.**

(c) Notwithstanding sections one hundred twelve and one hundred sixty-three of the state finance law and section one hundred forty-two of the economic development law, or any other inconsistent provision of law, funds available for expenditure pursuant to this section for the establishment of an ombudsman for substance use disorder and mental health insurance coverage, may be allocated and distributed by the commissioner of the office of [~~alcoholism and substance abuse~~] **addiction** services **and supports**, subject to the approval of the director of the budget, without a competitive bid or request for proposal process for the establishment of an ombudsman for substance use disorder and mental health insurance coverage. Provided, however, that such allocation or distribution must be based on objective criteria and an allocation methodology that is approved by the director of the budget.

§ 2. This act shall take effect immediately.