

# STATE OF NEW YORK

3605

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to mandating insurance coverage for medical devices to treat withdrawal symptoms

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

1 Section 1. Subparagraph (A) of paragraph 30 of subsection (i) of  
2 section 3216 of the insurance law, as amended by section 5 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 hospital, major medical or similar  
6 comprehensive coverage shall provide inpatient coverage for the diagno-  
7 sis and treatment of substance use disorder, including detoxification  
8 and rehabilitation services, including the use of medications, medical  
9 devices and products approved and/or cleared by the food and drug admin-  
10 istration for the treatment of withdrawal symptoms. Such inpatient  
11 coverage shall include unlimited medically necessary treatment for  
12 substance use disorder treatment services provided in residential  
13 settings. Further, such inpatient coverage shall not apply financial  
14 requirements or treatment limitations, including utilization review  
15 requirements, to inpatient substance use disorder benefits that are more  
16 restrictive than the predominant financial requirements and treatment  
17 limitations applied to substantially all medical and surgical benefits  
18 covered by the policy.

19 § 2. Paragraph 30 of subsection (i) of section 3216 of the insurance  
20 law, as amended by section 7 of subpart B of part J of chapter 57 of the  
21 laws of 2019, is renumbered paragraph 30-a.

22 § 3. Paragraph 7-a of subsection (l) of section 3221 of the insurance  
23 law, as added by chapter 748 of the laws of 2019, is amended to read as  
24 follows:

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

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1 (7-a) (A) Every policy that provides medical, major medical or similar  
2 comprehensive-type large group coverage shall provide immediate coverage  
3 for all buprenorphine products, methadone or long acting injectable  
4 naltrexone, including medical devices or products for the treatment of  
5 withdrawal symptoms, without prior authorization for the detoxification  
6 or maintenance treatment of a substance use disorder.

7 (B) Coverage provided under this paragraph may be subject to copay-  
8 ments, coinsurance, and annual deductibles that are consistent with  
9 those imposed on other benefits within the policy.

10 § 4. Subsection (1-1) of section 4303 of the insurance law, as added  
11 by chapter 748 of the laws of 2019, is amended to read as follows:

12 (1-1) (A) Every contract that provides medical, major medical, or  
13 similar comprehensive-type large group coverage shall provide immediate  
14 coverage for all buprenorphine products, methadone or long acting  
15 injectable naltrexone, including any medical devices or products for the  
16 treatment of withdrawal symptoms, without prior authorization for the  
17 detoxification or maintenance treatment of a substance use disorder.

18 (B) Coverage provided under this paragraph may be subject to copay-  
19 ments, coinsurance, and annual deductibles that are consistent with  
20 those imposed on other benefits within the policy.

21 § 5. Subparagraph (A) of paragraph 31 of subsection (i) of section  
22 3216 of the insurance law, as amended by section 6 of subpart A of part  
23 BB of chapter 57 of the laws of 2019, is amended to read as follows:

24 (A) Every policy that provides medical, major medical or similar  
25 comprehensive-type coverage shall provide outpatient coverage for the  
26 diagnosis and treatment of substance use disorder, including detoxifica-  
27 tion and rehabilitation services, including the use of medications,  
28 medical devices and products approved and/or cleared by the food and  
29 drug administration for the treatment of withdrawal symptoms. Such  
30 coverage shall not apply financial requirements or treatment limitations  
31 to outpatient substance use disorder benefits that are more restrictive  
32 than the predominant financial requirements and treatment limitations  
33 applied to substantially all medical and surgical benefits covered by  
34 the policy.

35 § 6. This act shall take effect on the same date and in the same  
36 manner as subpart A of part BB of chapter 57 of the laws of 2019, takes  
37 effect and shall apply to policies and contracts issued, renewed, modi-  
38 fied, altered or amended on and after such date; provided, however, that  
39 section two of this act shall take effect on the same date and in the  
40 same manner as section 7 of subpart B of part J of chapter 57 of the  
41 laws of 2019, takes effect.