

STATE OF NEW YORK

7704--A

Cal. No. 270

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. FERNANDEZ, ABBATE, DAVILA -- read once and referred to the Committee on Insurance -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the insurance law, in relation to providing behavioral health parity (Part A); and to amend the insurance law, in relation to the authorization for certain drugs for the detoxification or maintenance of a substance use disorder (Part B)

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

1 Section 1. This act enacts into law components of legislation which
2 are necessary to effectuate provisions relating to mental health and
3 substance use disorder parity. Each component is wholly contained with-
4 in a Part identified as Parts A through B. The effective date for each
5 particular provision contained within such Part is set forth in the last
6 section of such Part. Any provision in any section contained within a
7 Part, including the effective date of the Part, which makes reference
8 to a section "of this act", when used in connection with that partic-
9 ular component, shall be deemed to mean and refer to the correspond-
10 ing section of the Part in which it is found. Section three of this act
11 sets forth the general effective date of this act.

12 PART A

13 Section 1. Subparagraph (D) of paragraph 30 of subsection (i) of
14 section 3216 of the insurance law, as amended by section 5 of subpart A
15 of part BB of chapter 57 of the laws of 2019, is amended to read as
16 follows:

17 (D) This subparagraph shall apply to facilities in this state that are
18 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
19 ~~and substance abuse services~~] addiction services and supports that are

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

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1 participating in the insurer's provider network. Coverage provided under
2 this paragraph shall not be subject to preauthorization. Coverage
3 provided under this paragraph shall also not be subject to concurrent
4 utilization review during the first twenty-eight days of the inpatient
5 admission provided that the facility notifies the insurer of both the
6 admission and the initial treatment plan within two business days of the
7 admission on a standardized form developed by the department in consul-
8 tation with the department of health and the office of addiction
9 services and supports. The facility shall perform daily clinical review
10 of the patient [~~, including periodic~~] and consult periodically with the
11 insurer regarding the patient's progress, course of treatment, and
12 discharge plan. Periodic consultation with the insurer [~~at or just prior~~
13 ~~to~~] shall occur no later than the fourteenth day of treatment [~~to ensure~~
14 ~~that the facility is using the evidence-based and peer reviewed clinical~~
15 ~~review tool utilized by the insurer which is designated by the office of~~
16 ~~alcoholism and substance abuse services and appropriate to the age of~~
17 ~~the patient, to ensure that the inpatient treatment is medically neces-~~
18 ~~sary for the patient~~]. Prior to discharge, the facility shall provide
19 the patient and the insurer with a written discharge plan which shall
20 describe arrangements for additional services needed following discharge
21 from the inpatient facility as determined using the evidence-based and
22 peer-reviewed clinical review tool utilized by the insurer which is
23 designated by the office of [~~alcoholism and substance abuse services~~]
24 addiction services and supports. Prior to discharge, the facility shall
25 indicate to the insurer whether services included in the discharge plan
26 are secured or determined to be reasonably available. [~~Any~~] Insurers
27 shall actively participate in facility-initiated periodic consultations
28 prior to the patient's discharge and except where the insurer fails to
29 do so, any utilization review of treatment provided under this subpara-
30 graph may include a review of all services provided during such inpa-
31 tient treatment, including all services provided during the first twen-
32 ty-eight days of such inpatient treatment. Provided, however, the
33 insurer shall be required to process claims for the provision of such
34 services within the timeframes established in subsection (a) of section
35 three thousand two hundred twenty-four-a of this article and shall only
36 deny coverage for any portion of the initial twenty-eight day inpatient
37 treatment on the basis that such treatment was not medically necessary
38 if such inpatient treatment was contrary to the evidence-based and peer
39 reviewed clinical review tool utilized by the insurer which is desig-
40 nated by the office of [~~alcoholism and substance abuse services~~]
41 addiction services and supports. An insured shall not have any financial
42 obligation to the facility for any treatment under this subparagraph
43 other than any copayment, coinsurance, or deductible otherwise required
44 under the policy.

45 § 2. Subparagraph (E) of paragraph 31 of subsection (i) of section
46 3216 of the insurance law, as amended by section 6 of subpart A of part
47 BB of chapter 57 of the laws of 2019, is amended to read as follows:

48 (E) This subparagraph shall apply to facilities in this state that are
49 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
50 ~~and substance abuse services~~] addiction services and supports for the
51 provision of outpatient, intensive outpatient, outpatient rehabilitation
52 and opioid treatment that are participating in the insurer's provider
53 network. Coverage provided under this paragraph shall not be subject to
54 preauthorization. Coverage provided under this paragraph shall not be
55 subject to concurrent review for the first four weeks of continuous
56 treatment, not to exceed twenty-eight visits, provided the facility

1 notifies the insurer of both the start of treatment and the initial
2 treatment plan within two business days on a standardized form developed
3 by the department in consultation with the department of health and the
4 office of addiction services and supports. The facility shall perform
5 clinical assessment of the patient at each visit[, ~~including periodic~~
6 ~~and consult periodically with the insurer regarding the patient's~~
7 ~~progress, course of treatment, and discharge plan. Periodic~~ consultation
8 with the insurer [~~at or just prior to~~] shall occur no later than the
9 fourteenth day of treatment [~~to ensure that the facility is using the~~
10 ~~evidence-based and peer reviewed clinical review tool utilized by the~~
11 ~~insurer which is designated by the office of alcoholism and substance~~
12 ~~abuse services and appropriate to the age of the patient, to ensure that~~
13 ~~the outpatient treatment is medically necessary for the patient~~]. [~~Any~~
14 Insurers shall actively participate in facility-initiated periodic
15 consultations prior to the patient's discharge and except where the
16 insurer fails to do so, any utilization review of the treatment provided
17 under this subparagraph may include a review of all services provided
18 during such outpatient treatment, including all services provided during
19 the first four weeks of continuous treatment, not to exceed twenty-eight
20 visits, of such outpatient treatment. Provided, however, the insurer
21 shall only deny coverage for any portion of the initial four weeks of
22 continuous treatment, not to exceed twenty-eight visits, for outpatient
23 treatment on the basis that such treatment was not medically necessary
24 if such outpatient treatment was contrary to the evidence-based and peer
25 reviewed clinical review tool utilized by the insurer which is desig-
26 nated by the office of [~~alcoholism and substance abuse services~~
27 addiction services and supports]. An insured shall not have any finan-
28 cial obligation to the facility for any treatment under this subpara-
29 graph other than any copayment, coinsurance, or deductible otherwise
30 required under the policy.

31 § 3. Subparagraph (G) of paragraph 35 of subsection (i) of section
32 3216 of the insurance law, as added by section 8 of subpart A of part BB
33 of chapter 57 of the laws of 2019, is amended to read as follows:

34 (G) This subparagraph shall apply to hospitals in this state that are
35 licensed, certified or otherwise authorized by the office of mental
36 health that are participating in the insurer's provider network. Where
37 the policy provides coverage for inpatient hospital care, benefits for
38 inpatient hospital care in a hospital as defined by subdivision ten of
39 section 1.03 of the mental hygiene law [~~provided to individuals who have~~
40 ~~not attained the age of eighteen~~] shall not be subject to preautho-
41 rization. Coverage provided under this subparagraph shall also not be
42 subject to concurrent utilization review during the first fourteen days
43 of the inpatient admission, provided the facility notifies the insurer
44 of both the admission and the initial treatment plan within two business
45 days of the admission on a standardized form developed by the department
46 in consultation with the department of health and the office of mental
47 health, performs daily clinical review of the patient, and [~~participates~~
48 ~~in periodic consultation with the insurer to ensure that the facility is~~
49 ~~using the evidence-based and peer reviewed clinical review criteria~~
50 ~~utilized by the insurer which is approved by the office of mental health~~
51 ~~and appropriate to the age of the patient, to ensure that the inpatient~~
52 ~~care is medically necessary for the patient~~] consults periodically with
53 the insurer regarding the patient's progress, course of treatment, and
54 discharge plan. [~~All~~] Insurers shall actively participate in facility-
55 initiated periodic consultations prior to the patient's discharge and
56 except where the insurer fails to do so, all treatment provided under

1 this subparagraph may be reviewed retrospectively. Where care is denied
2 retrospectively, an insured shall not have any financial obligation to
3 the facility for any treatment under this subparagraph other than any
4 copayment, coinsurance, or deductible otherwise required under the poli-
5 cy.

6 § 4. Subparagraph (G) of paragraph 5 of subsection (1) of section 3221
7 of the insurance law, as added by section 14 of subpart A of part BB of
8 chapter 57 of the laws of 2019, is amended to read as follows:

9 (G) This subparagraph shall apply to hospitals in this state that are
10 licensed, certified or otherwise authorized by the office of mental
11 health that are participating in the insurer's provider network. Where
12 the policy provides coverage for inpatient hospital care, benefits for
13 inpatient hospital care in a hospital as defined by subdivision ten of
14 section 1.03 of the mental hygiene law [~~provided to individuals who have~~
15 ~~not attained the age of eighteen~~] shall not be subject to preauthori-
16 zation. Coverage provided under this subparagraph shall also not be
17 subject to concurrent utilization review during the first fourteen days
18 of the inpatient admission, provided the facility notifies the insurer
19 of both the admission and the initial treatment plan within two business
20 days of the admission on a standardized form developed by the department
21 in consultation with the department of health and the office of mental
22 health, performs daily clinical review of the patient, and [~~participates~~
23 ~~in periodic consultation with the insurer to ensure that the facility is~~
24 ~~using the evidence-based and peer reviewed clinical review criteria~~
25 ~~utilized by the insurer which is approved by the office of mental health~~
26 ~~and appropriate to the age of the patient, to ensure that the inpatient~~
27 ~~care is medically necessary for the patient~~] consults periodically with
28 the insurer regarding the patient's progress, course of treatment, and
29 discharge plan. [~~All~~] Insurers shall actively participate in facility-
30 initiated periodic consultations prior to the patient's discharge and
31 except where the insurer fails to do so, all treatment provided under
32 this subparagraph may be reviewed retrospectively. Where care is denied
33 retrospectively, an insured shall not have any financial obligation to
34 the facility for any treatment under this subparagraph other than any
35 copayment, coinsurance, or deductible otherwise required under the poli-
36 cy.

37 § 5. Subparagraph (D) of paragraph 6 of subsection (1) of section 3221
38 of the insurance law, as amended by section 15 of subpart A of part BB
39 of chapter 57 of the laws of 2019, is amended to read as follows:

40 (D) This subparagraph shall apply to facilities in this state that are
41 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
42 ~~and substance abuse services~~] addiction services and supports that are
43 participating in the insurer's provider network. Coverage provided under
44 this paragraph shall not be subject to preauthorization. Coverage
45 provided under this paragraph shall also not be subject to concurrent
46 utilization review during the first twenty-eight days of the inpatient
47 admission provided that the facility notifies the insurer of both the
48 admission and the initial treatment plan within two business days of the
49 admission on a standardized form developed by the department in consul-
50 tation with the department of health and the office of addiction
51 services and supports. The facility shall perform daily clinical review
52 of the patient [~~, including periodic~~] and consult periodically with the
53 insurer regarding the patient's progress, course of treatment, and
54 discharge plan. Periodic consultation with the insurer [~~at or just prior~~
55 ~~to~~] shall occur no later than the fourteenth day of treatment [~~to ensure~~
56 ~~that the facility is using the evidence-based and peer reviewed clinical~~

1 ~~review tool utilized by the insurer which is designated by the office of~~
2 ~~alcoholism and substance abuse services and appropriate to the age of~~
3 ~~the patient, to ensure that the inpatient treatment is medically neces-~~
4 ~~sary for the patient].~~ Prior to discharge, the facility shall provide
5 the patient and the insurer with a written discharge plan which shall
6 describe arrangements for additional services needed following discharge
7 from the inpatient facility as determined using the evidence-based and
8 peer-reviewed clinical review tool utilized by the insurer which is
9 designated by the office of [~~alcoholism and substance abuse services~~]
10 addiction services and supports. Prior to discharge, the facility shall
11 indicate to the insurer whether services included in the discharge plan
12 are secured or determined to be reasonably available. [~~Any~~] Insurers
13 shall actively participate in facility-initiated periodic consultations
14 prior to the patient's discharge and except where the insurer fails to
15 do so, any utilization review of treatment provided under this subpara-
16 graph may include a review of all services provided during such inpa-
17 tient treatment, including all services provided during the first twen-
18 ty-eight days of such inpatient treatment. Provided, however, the
19 insurer shall be required to process claims for the provision of such
20 services within the timeframes established in subsection (a) of section
21 three thousand two hundred twenty-four-a of this article and shall only
22 deny coverage for any portion of the initial twenty-eight day inpatient
23 treatment on the basis that such treatment was not medically necessary
24 if such inpatient treatment was contrary to the evidence-based and peer
25 reviewed clinical review tool utilized by the insurer which is desig-
26 nated by the office of [~~alcoholism and substance abuse services~~]
27 addiction services and supports. An insured shall not have any financial
28 obligation to the facility for any treatment under this subparagraph
29 other than any copayment, coinsurance, or deductible otherwise required
30 under the policy.

31 § 6. Subparagraph (E) of paragraph 7 of subsection (1) of section 3221
32 of the insurance law, as amended by section 17 of subpart A of part BB
33 of chapter 57 of the laws of 2019, is amended to read as follows:

34 (E) This subparagraph shall apply to facilities in this state that are
35 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
36 ~~and substance abuse services~~] addiction services and supports for the
37 provision of outpatient, intensive outpatient, outpatient rehabilitation
38 and opioid treatment that are participating in the insurer's provider
39 network. Coverage provided under this paragraph shall not be subject to
40 preauthorization. Coverage provided under this paragraph shall not be
41 subject to concurrent review for the first four weeks of continuous
42 treatment, not to exceed twenty-eight visits, provided the facility
43 notifies the insurer of both the start of treatment and the initial
44 treatment plan within two business days on a standardized form developed
45 by the department in consultation with the department of health and the
46 office of addiction services and supports. The facility shall perform
47 clinical assessment of the patient at each visit[~~, including periodic~~]
48 and consult periodically with the insurer regarding the patient's
49 progress, course of treatment, and discharge plan. Periodic consultation
50 with the insurer [~~at or just prior to~~] shall occur no later than the
51 fourteenth day of treatment [~~to ensure that the facility is using the~~
52 ~~evidence-based and peer-reviewed clinical review tool utilized by the~~
53 ~~insurer which is designated by the office of alcoholism and substance~~
54 ~~abuse services and appropriate to the age of the patient, to ensure that~~
55 ~~the outpatient treatment is medically necessary for the patient~~]. [~~Any~~]
56 Insurers shall actively participate in facility-initiated periodic

1 consultations prior to the patient's discharge and except where the
2 insurer fails to do so, any utilization review of the treatment provided
3 under this subparagraph may include a review of all services provided
4 during such outpatient treatment, including all services provided during
5 the first four weeks of continuous treatment, not to exceed twenty-eight
6 visits, of such outpatient treatment. Provided, however, the insurer
7 shall only deny coverage for any portion of the initial four weeks of
8 continuous treatment, not to exceed twenty-eight visits, for outpatient
9 treatment on the basis that such treatment was not medically necessary
10 if such outpatient treatment was contrary to the evidence-based and peer
11 reviewed clinical review tool utilized by the insurer which is desig-
12 nated by the office of [~~alcoholism and substance abuse services~~]
13 addiction services and supports. An insured shall not have any finan-
14 cial obligation to the facility for any treatment under this subpara-
15 graph other than any copayment, coinsurance, or deductible otherwise
16 required under the policy.

17 § 7. Subsection (a) of section 3224-a of the insurance law, as amended
18 by chapter 237 of the laws of 2009, is amended to read as follows:

19 (a) Except in a case where the obligation of an insurer or an organ-
20 ization or corporation licensed or certified pursuant to article forty-
21 three or forty-seven of this chapter or article forty-four of the public
22 health law to pay a claim submitted by a policyholder or person covered
23 under such policy ("covered person") or make a payment to a health care
24 provider is not reasonably clear, or when there is a reasonable basis
25 supported by specific information available for review by the super-
26 intendent that such claim or bill for health care services rendered was
27 submitted fraudulently, such insurer or organization or corporation
28 shall pay the claim to a policyholder or covered person or make a
29 payment to a health care provider within thirty days of receipt of a
30 claim or bill for services rendered that is transmitted via the internet
31 or electronic mail, or forty-five days of receipt of a claim or bill for
32 services rendered that is submitted by other means, such as paper or
33 facsimile. The obligation of an insurer or organization to make payment
34 to a health care provider for mental health or substance use disorder
35 services that are not subject to preauthorization or concurrent review
36 pursuant to sections three thousand two hundred sixteen, three thousand
37 two hundred twenty-one, or four thousand three hundred three of this
38 chapter shall not be considered not reasonably clear solely because the
39 insurer or organization intends to perform concurrent review for such
40 services before or after the expiration of the timeframes established by
41 this subsection.

42 § 8. Paragraph 8 of subsection (g) of section 4303 of the insurance
43 law, as added by section 23 of subpart A of part BB of chapter 57 of the
44 laws of 2019, is amended to read as follows:

45 (8) This paragraph shall apply to hospitals in this state that are
46 licensed, certified or otherwise authorized by the office of mental
47 health that are participating in the [~~corporation's~~] insurer's provider
48 network. Where the contract provides coverage for inpatient hospital
49 care, benefits for inpatient hospital care in a hospital as defined by
50 subdivision ten of section 1.03 of the mental hygiene law [~~provided to~~
51 ~~individuals who have not attained the age of eighteen~~] shall not be
52 subject to preauthorization. Coverage provided under this paragraph
53 shall also not be subject to concurrent utilization review during the
54 first fourteen days of the inpatient admission, provided the facility
55 notifies the [~~corporation~~] insurer of both the admission and the initial
56 treatment plan within two business days of the admission on a standard-

1 ized form developed by the department in consultation with the depart-
2 ment of health and the office of mental health, performs daily clinical
3 review of the patient, and [~~participates in periodic consultation with~~
4 ~~the corporation to ensure that the facility is using the evidence-based~~
5 ~~and peer reviewed clinical review criteria utilized by the corporation~~
6 ~~which is approved by the office of mental health and appropriate to the~~
7 ~~age of the patient, to ensure that the inpatient care is medically~~
8 ~~necessary for the patient] consults periodically with the insurer
9 regarding the patient's progress, course of treatment, and discharge
10 plan. [All] Insurers shall actively participate in facility-initiated
11 periodic consultations prior to the patient's discharge and except where
12 the insurer fails to do so, all treatment provided under this paragraph
13 may be reviewed retrospectively. Where care is denied retrospectively,
14 an insured shall not have any financial obligation to the facility for
15 any treatment under this paragraph other than any copayment, coinsu-
16 rance, or deductible otherwise required under the contract.~~

17 § 9. Paragraph 4 of subsection (k) of section 4303 of the insurance
18 law, as amended by section 26 of subpart A of part BB of chapter 57 of
19 the laws of 2019, is amended to read as follows:

20 (4) This paragraph shall apply to facilities in this state that are
21 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
22 ~~and substance abuse services] addiction services and supports that are
23 participating in the [~~corporation's~~] insurer's provider network. Cover-
24 age provided under this subsection shall not be subject to preauthori-
25 zation. Coverage provided under this subsection shall also not be
26 subject to concurrent utilization review during the first twenty-eight
27 days of the inpatient admission provided that the facility notifies the
28 [~~corporation~~] insurer of both the admission and the initial treatment
29 plan within two business days of the admission on a standardized form
30 developed by the department in consultation with the department of
31 health and the office of addiction services and supports. The facility
32 shall perform daily clinical review of the patient [~~, including periodic~~
33 ~~consultation] and consult periodically with the insurer regarding the
34 patient's progress, course of treatment, and discharge plan. Periodic
35 consultation with the [corporation at or just prior to] insurer shall
36 occur not later than the fourteenth day of treatment [~~to ensure that the~~
37 ~~facility is using the evidence-based and peer reviewed clinical review~~
38 ~~tool utilized by the corporation which is designated by the office of~~
39 ~~alcoholism and substance abuse services and appropriate to the age of~~
40 ~~the patient, to ensure that the inpatient treatment is medically neces-~~
41 ~~sary for the patient]. Prior to discharge, the facility shall provide~~
42 the patient and the [~~corporation~~] insurer with a written discharge plan
43 which shall describe arrangements for additional services needed follow-
44 ing discharge from the inpatient facility as determined using the
45 evidence-based and peer-reviewed clinical review tool utilized by the
46 [~~corporation~~] insurer which is designated by the office of [~~alcoholism~~
47 ~~and substance abuse services] addiction services and supports. Prior to
48 discharge, the facility shall indicate to the [~~corporation~~] insurer
49 whether services included in the discharge plan are secured or deter-
50 mined to be reasonably available. [~~Any~~] Insurers shall actively partic-
51 ipate in facility-initiated periodic consultations prior to the
52 patient's discharge and except where the insurer fails to do so, any
53 utilization review of treatment provided under this paragraph may
54 include a review of all services provided during such inpatient treat-
55 ment, including all services provided during the first twenty-eight days
56 of such inpatient treatment. Provided, however, the [~~corporation~~] insur-~~~~~~

1 er shall be required to process claims for the provision of such
2 services within the timeframes established in subsection (a) of section
3 three thousand two hundred twenty-four-a of this chapter and shall only
4 deny coverage for any portion of the initial twenty-eight day inpatient
5 treatment on the basis that such treatment was not medically necessary
6 if such inpatient treatment was contrary to the evidence-based and peer
7 reviewed clinical review tool utilized by the [~~corporation~~] insurer
8 which is designated by the office of [~~alcoholism and substance abuse~~
9 ~~services~~] addiction services and supports. An insured shall not have
10 any financial obligation to the facility for any treatment under this
11 paragraph other than any copayment, coinsurance, or deductible otherwise
12 required under the contract.

13 § 10. Paragraph 5 of subsection (1) of section 4303 of the insurance
14 law, as amended by section 28 of subpart A of part BB of chapter 57 of
15 the laws of 2019, is amended to read as follows:

16 (5) This paragraph shall apply to facilities in this state that are
17 licensed, certified or otherwise authorized by the office of [~~alcoholism~~
18 ~~and substance abuse services~~] addiction services and supports for the
19 provision of outpatient, intensive outpatient, outpatient rehabilitation
20 and opioid treatment that are participating in the corporation's provid-
21 er network. Coverage provided under this subsection shall not be subject
22 to preauthorization. Coverage provided under this subsection shall not
23 be subject to concurrent review for the first four weeks of continuous
24 treatment, not to exceed twenty-eight visits, provided the facility
25 notifies the corporation of both the start of treatment and the initial
26 treatment plan within two business days on a standardized form developed
27 by the department in consultation with the department of health and the
28 office of addiction services and supports. The facility shall perform
29 clinical assessment of the patient at each visit[~~, including periodic~~]
30 and consult periodically with the insurer regarding the patient's
31 progress, course of treatment, and discharge plan. Periodic consultation
32 with the corporation [~~at or just prior to~~] shall occur no later than the
33 fourteenth day of treatment [~~to ensure that the facility is using the~~
34 ~~evidence-based and peer reviewed clinical review tool utilized by the~~
35 ~~corporation which is designated by the office of alcoholism and~~
36 ~~substance abuse services and appropriate to the age of the patient, to~~
37 ~~ensure that the outpatient treatment is medically necessary for the~~
38 ~~patient~~]. [~~Any~~] Insurers shall actively participate in facility-initiat-
39 ed periodic consultations prior to the patient's discharge and except
40 where the insurer fails to do so, any utilization review of the treat-
41 ment provided under this paragraph may include a review of all services
42 provided during such outpatient treatment, including all services
43 provided during the first four weeks of continuous treatment, not to
44 exceed twenty-eight visits, of such outpatient treatment. Provided,
45 however, the corporation shall only deny coverage for any portion of the
46 initial four weeks of continuous treatment, not to exceed twenty-eight
47 visits, for outpatient treatment on the basis that such treatment was
48 not medically necessary if such outpatient treatment was contrary to the
49 evidence-based and peer reviewed clinical review tool utilized by the
50 corporation which is designated by the office of [~~alcoholism and~~
51 ~~substance abuse services~~] addiction services and supports. [~~A subscrib-~~
52 ~~er~~] An insured shall not have any financial obligation to the facility
53 for any treatment under this paragraph other than any copayment, coinsu-
54 rance, or deductible otherwise required under the contract.

55 § 11. Section 109 of the insurance law is amended by adding a new
56 subsection (e) to read as follows:

(e) In addition to any right of action granted to the superintendent pursuant to this section, any person who has been injured by reason of a violation of paragraphs thirty, thirty-one, thirty-one-a and thirty-five of subsection (i) of section three thousand two hundred sixteen, paragraphs five, six, seven and seven-a of subsection (l) of section three thousand two hundred twenty-one, and subsections (g), (k), (l) or (l-1) of section four thousand three hundred three of this chapter by an insurer subject to article thirty-two or forty-three of this chapter may bring an action in his or her own name to enjoin such unlawful act or practice, an action to recover his or her actual damages or one thousand dollars, whichever is greater, or both such actions. The court may, in its discretion, award the prevailing plaintiff in such action an additional award not to exceed five thousand dollars, if the court finds the defendant willfully violated the provisions of this section. The court may award reasonable attorneys' fees to a prevailing plaintiff.

§ 12. This act shall take effect January 1, 2023.

PART B

Section 1. Subparagraph (A) of paragraph 31-a of subsection (i) of section 3216 of the insurance law, as added by chapter 748 of the laws of 2019, is amended to read as follows:

(A) No policy that provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs for medication for the treatment of a substance use disorder shall require prior authorization for an initial or renewal prescription for such drugs for the detoxification or maintenance of a substance use disorder, including all buprenorphine products, methadone [ex], long acting injectable naltrexone [for detoxification or maintenance treatment of a substance use disorder] and medication for opioid overdose reversal prescribed or dispensed to an individual covered under the policy, except where otherwise prohibited by law.

§ 2. Subparagraph (A) of paragraph 7-a of subsection (l) of section 3221 of the insurance law, as added by chapter 748 of the laws of 2019, is amended to read as follows:

(A) No policy that provides medical, major medical or similar comprehensive-type small group coverage and provides coverage for prescription drugs for medication for the treatment of a substance use disorder shall require prior authorization for an initial or renewal prescription for such drugs for the detoxification or maintenance of a substance use disorder, including all buprenorphine products, methadone, long acting injectable naltrexone, and medication for opioid overdose reversal prescribed or dispensed to an individual covered under the policy, except where otherwise prohibited by law. Every policy that provides medical, major medical or similar comprehensive-type large group coverage shall provide coverage for prescription drugs for medication for the treatment of a substance use disorder and shall provide immediate coverage for all buprenorphine products, methadone [ex], long acting injectable naltrexone, and medication for opioid overdose reversal prescribed or dispensed to an individual covered under the policy without prior authorization for the detoxification or maintenance treatment of a substance use disorder, except where otherwise prohibited by law.

§ 3. Subparagraph (A) of paragraph (l-1) of section 4303 of the insurance law, as added by chapter 748 of the laws of 2019, is amended to read as follows:

1 (A) No contract that provides medical, major medical or similar
2 comprehensive-type individual or small group coverage and provides
3 coverage for prescription drugs for medication for the treatment of a
4 substance use disorder shall require prior authorization for an initial
5 or renewal prescription for such drugs for the detoxification or mainte-
6 nance of a substance use disorder, including all buprenorphine products,
7 methadone, long acting injectable naltrexone, and medication for opioid
8 overdose reversal prescribed or dispensed to an individual covered under
9 the contract, except where otherwise prohibited by law. Every contract
10 that provides medical, major medical, or similar comprehensive-type
11 large group coverage shall provide coverage for prescription drugs for
12 medication for the treatment of a substance use disorder and shall
13 provide immediate coverage for all buprenorphine products, methadone
14 [~~ex~~], long acting injectable naltrexone, and medication for opioid over-
15 dose reversal prescribed or dispensed to an individual covered under the
16 contract without prior authorization for the detoxification or mainte-
17 nance treatment of a substance use disorder, except where otherwise
18 prohibited by law.

19 § 4. This act shall take effect immediately.

20 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
21 sion, section or part of this act shall be adjudged by any court of
22 competent jurisdiction to be invalid, such judgment shall not affect,
23 impair, or invalidate the remainder thereof, but shall be confined in
24 its operation to the clause, sentence, paragraph, subdivision, section
25 or part thereof directly involved in the controversy in which such judg-
26 ment shall have been rendered. It is hereby declared to be the intent of
27 the legislature that this act would have been enacted even if such
28 invalid provisions had not been included herein.

29 § 3. This act shall take effect immediately provided, however, that
30 the applicable effective date of Parts A through B of this act shall be
31 as specifically set forth in the last section of such Parts.