

STATE OF NEW YORK

902

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, GUNTHER, ABINANTI, MONTESANO, WALSH, DICK-
ENS, BYRNE -- Multi-Sponsored by -- M. of A. COOK, THIELE -- read once
and referred to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in
relation to requiring insurance and Medicaid coverage for inpatient
and outpatient substance abuse treatment for a period of not less than
forty-five days

The People of the State of New York, represented in Senate and Assem-
bly, 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, for a period of not less than forty-five
9 days. Such inpatient coverage shall include unlimited medically neces-
10 sary treatment for substance use disorder treatment services provided in
11 residential settings. Further, such inpatient coverage shall not apply
12 financial requirements or treatment limitations, including utilization
13 review requirements, to inpatient substance use disorder benefits that
14 are more restrictive than the predominant financial requirements and
15 treatment limitations applied to substantially all medical and surgical
16 benefits covered by the policy.

17 § 2. Subparagraph (A) of paragraph 31 of subsection (i) of section
18 3216 of the insurance law, as amended by section 6 of subpart A of part
19 BB of chapter 57 of the laws of 2019, is amended to read as follows:

20 (A) Every policy that provides medical, major medical or similar
21 comprehensive-type coverage shall provide outpatient coverage for the

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

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1 diagnosis and treatment of substance use disorder, including detoxifica-
2 tion and rehabilitation services, for a period of not less than forty-
3 five days. Such coverage shall not apply financial requirements or
4 treatment limitations to outpatient substance use disorder benefits that
5 are more restrictive than the predominant financial requirements and
6 treatment limitations applied to substantially all medical and surgical
7 benefits covered by the policy.

8 § 3. Subparagraph (A) of paragraph 6 of subsection (1) of section 3221
9 of the insurance law, as amended by section 15 of subpart A of part BB
10 of chapter 57 of the laws of 2019, is amended to read as follows:

11 (A) Every policy that provides hospital, major medical or similar
12 comprehensive coverage shall provide inpatient coverage for the diagno-
13 sis and treatment of substance use disorder, including detoxification
14 and rehabilitation services, for a period of not less than forty-five
15 days. Such inpatient coverage shall include unlimited medically neces-
16 sary treatment for substance use disorder treatment services provided in
17 residential settings. Further, such inpatient coverage shall not apply
18 financial requirements or treatment limitations, including utilization
19 review requirements, to inpatient substance use disorder benefits that
20 are more restrictive than the predominant financial requirements and
21 treatment limitations applied to substantially all medical and surgical
22 benefits covered by the policy.

23 § 4. Subparagraph (A) of paragraph 7 of subsection (1) of section 3221
24 of the insurance law, as amended by section 16 of subpart A of part BB
25 of chapter 57 of the laws of 2019, is amended to read as follows:

26 (A) Every policy that provides medical, major medical or similar
27 comprehensive-type coverage shall provide outpatient coverage for the
28 diagnosis and treatment of substance use disorder, including detoxifica-
29 tion and rehabilitation services, for a period of not less than forty-
30 five days. Such coverage shall not apply financial requirements or
31 treatment limitations to outpatient substance use disorder benefits that
32 are more restrictive than the predominant financial requirements and
33 treatment limitations applied to substantially all medical and surgical
34 benefits covered by the policy.

35 § 5. Paragraph 1 of subsection (k) of section 4303 of the insurance
36 law, as amended by section 26 of subpart A of part BB of chapter 57 of
37 the laws of 2019, is amended to read as follows:

38 (1) Every contract that provides hospital, major medical or similar
39 comprehensive coverage shall provide inpatient coverage for the diagno-
40 sis and treatment of substance use disorder, including detoxification
41 and rehabilitation services, for a period of not less than forty-five
42 days. Such inpatient coverage shall include unlimited medically neces-
43 sary treatment for substance use disorder treatment services provided in
44 residential settings. Further, such inpatient coverage shall not apply
45 financial requirements or treatment limitations, including utilization
46 review requirements, to inpatient substance use disorder benefits that
47 are more restrictive than the predominant financial requirements and
48 treatment limitations applied to substantially all medical and surgical
49 benefits covered by the contract.

50 § 6. Paragraph 1 of subsection (l) of section 4303 of the insurance
51 law, as amended by section 27 of subpart A of part BB of chapter 57 of
52 the laws of 2019, is amended to read as follows:

53 (1) Every contract that provides medical, major medical or similar
54 comprehensive-type coverage shall provide outpatient coverage for the
55 diagnosis and treatment of substance use disorder, including detoxifica-
56 tion and rehabilitation services, for a period of not less than forty-

1 five days. Such coverage shall not apply financial requirements or
2 treatment limitations to outpatient substance use disorder benefits that
3 are more restrictive than the predominant financial requirements and
4 treatment limitations applied to substantially all medical and surgical
5 benefits covered by the contract.

6 § 7. Paragraph (c) of subdivision 2 of section 365-a of the social
7 services law, as amended by section 12-a of part C of chapter 60 of the
8 laws of 2014, is amended to read as follows:

9 (c) out-patient hospital or clinic services in facilities operated in
10 compliance with applicable provisions of this chapter, the public health
11 law, the mental hygiene law and other laws, including any provisions
12 thereof requiring an operating certificate or license, including facili-
13 ties authorized by the appropriate licensing authority to provide inte-
14 grated mental health services, and/or alcoholism and substance abuse
15 services, and/or physical health services, and/or services to persons
16 with developmental disabilities, when such services are provided at a
17 single location or service site, or where such facilities are not
18 conveniently accessible, in any hospital located within the state and
19 care and services in a day treatment program operated by the department
20 of mental hygiene or by a voluntary agency under an agreement with such
21 department in that part of a public institution operated and approved
22 pursuant to law as an intermediate care facility for persons with devel-
23 opmental disabilities; and provided, that alcoholism and substance abuse
24 services shall be covered for a period of not less than forty-five days;
25 and provided further, that the commissioners of health, mental health,
26 alcoholism and substance abuse services and the office for people with
27 developmental disabilities may issue regulations, including emergency
28 regulations promulgated prior to October first, two thousand fifteen
29 that are required to facilitate the establishment of integrated services
30 clinics. Any such regulations promulgated under this paragraph shall be
31 described in the annual report required pursuant to section forty-five-c
32 of part A of chapter fifty-six of the laws of two thousand thirteen;

33 § 8. Paragraph (n) of subdivision 2 of section 365-a of the social
34 services law, as amended by chapter 558 of the laws of 1999, is amended
35 to read as follows:

36 (n) care, treatment, maintenance and rehabilitation services that
37 would otherwise qualify for reimbursement pursuant to this chapter to
38 persons suffering from alcoholism in alcoholism facilities or chemical
39 dependence, as such term is defined in section 1.03 of the mental
40 hygiene law, in inpatient chemical dependence facilities, services, or
41 programs operated in compliance with applicable provisions of this chap-
42 ter and the mental hygiene law, and certified by the office of alcohol-
43 ism and substance abuse services, provided however that such services
44 shall be limited to such periods of time as may be determined necessary
45 in accordance with a utilization review procedure established by the
46 commissioner of the office of alcoholism and substance abuse services
47 and that such services shall be covered for a period of not less than
48 forty-five days, and provided further, that this paragraph shall not
49 apply to any hospital or part of a hospital as defined in section two
50 thousand eight hundred one of the public health law.

51 § 9. This act shall take effect immediately and shall apply to all
52 policies and contracts issued, renewed, modified, altered or amended on
53 or after such date.