

# STATE OF NEW YORK

9730

## IN ASSEMBLY

March 28, 2022

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

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:

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

4 § 33.27 Independent substance use disorder and mental health ombudsman.

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

11  
12 (b) Such ombudsman will identify, investigate, refer and resolve  
13 complaints that are made by, or on behalf of, consumers relative to  
14 health insurance coverage and access to initial and continuing substance  
15 use disorder care and mental health care; accept, investigate, refer and  
16 help to resolve complaints that are made by treatment providers relative  
17 to health insurance coverage of and reimbursement for initial or continuing  
18 substance use disorder and mental health care; accept, investigate,  
19 refer and help to resolve complaints that are made by or on behalf of  
20 consumers or by providers relative to network adequacy for access to and  
21 continuing substance use disorder and mental health care. By October  
22 thirty-first annually, the ombudsman must submit an annual report summarizing the work of the program and make recommendations to address  
23 systemic issues identified during the previous year. Such annual report shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly and the relevant legislative committee chairs.

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

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1 (c) Notwithstanding sections one hundred twelve and one hundred  
2 sixty-three of the state finance law and section one hundred forty-two  
3 of the economic development law, or any other inconsistent provision of  
4 law, funds available for expenditure pursuant to this section for the  
5 establishment of an ombudsman for substance use disorder and mental  
6 health insurance coverage, may be allocated and distributed by the  
7 commissioner of the office of [~~alcoholism and substance abuse~~] addiction  
8 and supports, subject to the approval of the director of the  
9 budget, without a competitive bid or request for proposal process for  
10 the establishment of an ombudsman for substance use disorder and mental  
11 health insurance coverage. Provided, however, that such allocation or  
12 distribution must be based on objective criteria and an allocation meth-  
13 odology that is approved by the director of the budget.  
14 § 2. This act shall take effect immediately.