STATE OF NEW YORK

4359--B

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to referring individuals to appropriate service providers for substance use disorders

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

Section 1. Section 2803-u of the public health law, as added by section 1 of part C of chapter 70 of the laws of 2016 and subdivision 1 as amended by section 1 of subpart B of part BB of chapter 57 of the laws of 2019, is amended to read as follows:

§ 2803-u. Hospital substance use disorder policies and procedures. 1. The office of [~~alcoholism and substance abuse~~] **addiction** services **and supports**, in consultation with the department, shall develop or utilize existing educational materials to be provided to general hospitals to disseminate to individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder during discharge planning pursuant to section twenty-eight hundred three-i of this article. Such materials shall include information regarding the various types of **harm reduction,** treatment**,** and recovery services, including but not limited to: **overdose prevention and syringe exchange services;** inpatient, outpatient, and medication-assisted treatment; how to recognize the need for treatment **or other substance use disorder** services; information for individuals to determine what type and level of **care or** treatment is most appropriate and what resources are available to them; and any other information the commissioner deems appropriate. General hospitals shall include in their policies and procedures treatment protocols, consistent with medical standards, to be utilized

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

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by the emergency departments in general hospitals for the appropriate use of medication-assisted treatment, including**, but not limited to** buprenorphine, prior to discharge, or referral protocols for evaluation of medication-assisted treatment when initiation in an emergency department of a general hospital is not feasible.

2. Every general hospital shall: (a) within existing or in addition to current policies and procedures, develop, maintain and disseminate, written policies and procedures, for the identification, assessment**,** and referral of individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder as defined in section 1.03 of the mental hygiene law**. Patient referrals shall be arranged on a specific date, with specific inpatient or outpatient substance use treatment organization. Except as provided in paragraph (c) of this subdivision, such policies and procedures shall require every hospital to offer treatment, including medication assisted treatment when deemed necessary, to the individual within seventy-two hours of such individual being diagnosed with a substance use disorder, provided, further, that every hospital shall immediately address symptoms of withdrawal**;

(b) establish and implement training, within existing or in addition to current training programs, for all individuals licensed or certified pursuant to title eight of the education law who provide direct patient care regarding the policies and procedures established pursuant to this section; and

(c) except where an individual has come into the hospital under section 22.09 of the mental hygiene law, if the hospital does not directly provide substance use disorder services, **or the individual refuses services,** then [~~it~~] **the hospital** shall refer **such** individuals in need of substance use disorder services to [~~and coordinate with substance use disorder services programs~~] **an appropriate service provider** that [~~provide~~] **provides** behavioral health services, as defined in section 1.03 of the mental hygiene law**, or a hypodermic syringe and needle exchange program authorized pursuant to section 80.135 of part 80 of title 10 of the New York state codes, rules and regulations, that has the ability to provide services to the individual within seventy-two hours**.

3. Upon commencement of treatment, admission, or discharge of an individual with a documented substance use disorder or who appears to have or be at risk for a substance use disorder, including discharge from the emergency department, such hospital shall inform the individual of the availability of the substance use disorder treatment services that may be available to them through a substance use disorder **or harm reduction** services program **and, if requested, refer the individual to the appropriate services. Such efforts to refer the individual shall be documented in such individual's medical record**.

4. The commissioner, in consultation with the commissioner of the office of [~~alcoholism and substance abuse~~] **addiction** services **and supports**, shall make regulations as may be necessary and proper to carry out the provisions of this section.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.