STATE OF NEW YORK

4640

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sens. RIVERA, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to consideration and prescription of non-opioid treatment alternatives for treatment of neuromusculoskeletal conditions

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

Section 1. Section 3331 of the public health law is amended by adding a new subdivision 9 to read as follows:

9. (a) When a patient seeks treatment for any neuromusculoskeletal condition that causes pain, where a practitioner considers an opioid treatment, the practitioner shall consider, discuss with the patient, and, as appropriate, refer or prescribe non-opioid treatment alternatives, based on the practitioner's clinical judgment and following generally accepted national professional or treatment guidelines, and consistent with patient preference and consent, before starting a patient on opioid treatment. For the purposes of this subdivision, non-opioid treatment alternatives include, but are not limited to: acupuncture, chiropractic, massage therapy, physical therapy, occupational therapy, cognitive behavioral therapy, non-opioid medications, interventional treatments and non-clinical activities such as exercise. The practitioner shall inform the patient that some treatments may not be covered by the patient's health coverage.

(b) The requirements of this subdivision shall not apply for patients being treated under any of the following circumstances: treatment of cancer; hospice or other end-of-life care; post-surgery treatment immediately following a surgical procedure; or in a medical emergency. For purposes of this subdivision, "medical emergency" means an acute injury or illness that poses an immediate risk to a person's life or health.

§ 2. This act shall take effect immediately.

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

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