

# STATE OF NEW YORK

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6306

2021-2022 Regular Sessions

## IN SENATE

April 21, 2021

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

AN ACT in relation to determining whether the state can claim federal financial participation for coverage of and payment for certain evidence-based smartphone apps

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

1 Section 1. Legislative finding and declaration. New Yorkers in recovery for substance and opioid use disorders and in treatment for mental  
2 health conditions are losing access to in-person treatment under the  
3 state's "stay at home" and social distancing orders as part of coronavirus pandemic mitigation efforts. In recent news reports, experts warn  
4 that the coronavirus pandemic may be "a national relapse trigger" for  
5 individuals in treatment for alcohol, cocaine, methamphetamine, marijuana, and heroin addiction. Evidence-based smartphone apps are new, software-based disease treatments designed to directly treat disease, tested  
6 for safety and efficacy in randomized clinical trials, evaluated by the  
7 FDA, and prescribed by healthcare providers. These therapies are  
8 designed and tested much like traditional prescription drugs with one  
9 distinction: rather than swallowing a pill or taking an injection, patients are treated with software. Certain evidence-based smartphone  
10 apps provide clinicians and patients with evidence-based remote treatment modalities to treat substance and opioid use disorders, mental  
11 health, and other diseases and conditions. However, there is no clear  
12 statutory benefit category to allow Medicaid coverage for evidence-based  
13 smartphone apps. In light of the promise of evidence-based smartphone  
14 apps for the treatment of patients with substance use and opioid use  
15 disorders during the coronavirus pandemic, this legislation would  
16 require that the New York state department of health seek guidance from  
17 the Centers for Medicare and Medicaid Services relative to a coverage  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10469-01-1

1 and reimbursement pathway for evidence-based smartphone apps, in order  
2 to accelerate access to such therapies for enrollees.

3 § 2. No later than 30 days from the effective date of this section,  
4 the New York state department of health shall request guidance from the  
5 Centers for Medicare and Medicaid Services to determine whether the  
6 state can claim federal financial participation for coverage of and  
7 payment for certain evidence-based smartphone apps approved by the food  
8 and drug administration to treat substance use and opioid use disorders.

9 § 3. This act shall take effect immediately.