

# STATE OF NEW YORK

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6306--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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  
4 pandemic mitigation efforts. In recent news reports, experts warn  
5 that the coronavirus pandemic may be "a national relapse trigger" for  
6 individuals in treatment for alcohol, cocaine, methamphetamine, marijuana,  
7 and heroin addiction. Evidence-based mobile medical applications  
8 are new, software-based disease treatments designed to directly treat  
9 disease, tested for safety and efficacy in randomized clinical trials,  
10 evaluated by the FDA, and prescribed by healthcare providers. These  
11 therapies are designed and tested much like traditional prescription  
12 drugs with one distinction: rather than swallowing a pill or taking an  
13 injection, patients are treated with software. Certain evidence-based  
14 mobile medical applications provide clinicians and patients with  
15 evidence-based remote treatment modalities to treat substance and opioid  
16 use disorders, mental health, and other diseases and conditions. However,  
17 there is no clear statutory benefit category to allow Medicaid  
18 coverage for evidence-based mobile medical applications. In light of  
19 the promise of evidence-based mobile medical applications for the treatment  
20 of patients with substance use and opioid use disorders during the  
21 coronavirus pandemic, this legislation would require that the New York  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10469-02-1

1 state department of health seek guidance from the Centers for Medicare  
2 and Medicaid Services relative to a coverage and reimbursement pathway  
3 for evidence-based mobile medical applications, in order to accelerate  
4 access to such therapies for enrollees.

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

12 § 3. This act shall take effect immediately.