STATE OF NEW YORK

1769

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in relation to requiring the coverage of alternate treatment options by the medical assistance program and private health insurers

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39) Every policy which provides medical, major medical, or similar comprehensive type coverage shall include coverage for alternative treatment utilized for pain management. Coverage provided under this paragraph shall be limited to alternative treatment provided by a health care provider or other licensed individual. For purposes of this subsection, "alternative treatment" means non-pharmaceutical treatment for pain management including but not limited to treatment provided by (A) a licensed acupuncturist, (B) a licensed massage therapist, (C) a licensed chiropractor, and (D) a yoga instructor.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) Every group or blanket policy which provides medical, major medical, or similar comprehensive type coverage shall include coverage for alternative treatment utilized for pain management. Coverage provided under this paragraph shall be limited to alternative treatment provided by a health care provider or other licensed individual. For purposes of this subsection, "alternative treatment" means non-pharmaceutical treatment for pain management including but not limited to treatment provided by (A) a licensed acupuncturist, (B) a licensed massage therapist, (C) a licensed chiropractor, and (D) a yoga instructor.

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

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§ 3. Section 4303 of the insurance law is amended by adding a new subsection (uu) to read as follows:

(uu) Every contract issued by a medical expense indemnity corporation, hospital service corporation, or health service corporation which provides medical , major medical, or similar comprehensive type coverage shall include coverage for alternative treatment utilized for pain management. Coverage provided under this subsection shall be limited to alternative treatment provided by a health care provider or other licensed individual. For purposes of this section, "alternative treatment" means non-pharmaceutical treatment for pain management including but not limited to treatment provided by (1) a licensed acupuncturist, (2) a licensed massage therapist, (3) a licensed chiropractor, and (4) a yoga instructor.

§ 4. The social services law is amended by adding a new section 365-p to read as follows:

§ 365-p. Provision of alternative treatment for pain management. 1. The commissioner shall establish standards and guidelines for the provision of alternate treatment for pain management under the medical assistance program. In establishing such standards and guidelines, the commissioner shall consult with alternative treatment providers and other interested parties.

2. For purposes of this title, "alternative treatment" means non-pharmaceutical treatment for pain management including but not limited to treatment provided by (a) a licensed acupuncturist, (b) a licensed massage therapist, (c) a licensed chiropractor, and (d) a yoga instructor.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.