

# STATE OF NEW YORK

4842

2023-2024 Regular Sessions

## IN SENATE

February 15, 2023

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

AN ACT to amend the insurance law, in relation to providing that coverage for outpatient diagnosis and treatment of substance use disorder shall not be subject to preauthorization

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

1 Section 1. Subparagraph (A) of paragraph 31 of subsection (i) of  
2 section 3216 of the insurance law, as amended by section 6 of subpart A  
3 of part BB of chapter 57 of the laws of 2019, is amended to read as  
4 follows:

5 (A) Every policy that provides medical, major medical or similar  
6 comprehensive-type coverage shall provide outpatient coverage for the  
7 diagnosis and treatment of substance use disorder, including detoxifica-  
8 tion and rehabilitation services. Such coverage shall not be subject to  
9 preauthorization and shall not apply financial requirements or treatment  
10 limitations to outpatient substance use disorder benefits that are more  
11 restrictive than the predominant financial requirements and treatment  
12 limitations applied to substantially all medical and surgical benefits  
13 covered by the policy.

14 § 2. Subparagraph (A) of paragraph 7 of subsection (1) of section 3221  
15 of the insurance law, as amended by section 16 of subpart A of part BB  
16 of chapter 57 of the laws of 2019, is amended to read as follows:

17 (A) Every policy that provides medical, major medical or similar  
18 comprehensive-type coverage shall provide outpatient coverage for the  
19 diagnosis and treatment of substance use disorder, including detoxifica-  
20 tion and rehabilitation services. Such coverage shall not be subject to  
21 preauthorization and shall not apply financial requirements or treatment  
22 limitations to outpatient substance use disorder benefits that are more  
23 restrictive than the predominant financial requirements and treatment

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

LBD09227-01-3

1 limitations applied to substantially all medical and surgical benefits  
2 covered by the policy.

3 § 3. Paragraph 1 of subsection (1) of section 4303 of the insurance  
4 law, as amended by section 27 of subpart A of part BB of chapter 57 of  
5 the laws of 2019, is amended to read as follows:

6 (1) Every contract that provides medical, major medical or similar  
7 comprehensive-type coverage shall provide outpatient coverage for the  
8 diagnosis and treatment of substance use disorder, including detoxifica-  
9 tion and rehabilitation services. Such coverage shall not **be subject to**  
10 **preauthorization and shall not** apply financial requirements or treatment  
11 limitations to outpatient substance use disorder benefits that are more  
12 restrictive than the predominant financial requirements and treatment  
13 limitations applied to substantially all medical and surgical benefits  
14 covered by the contract.

15 § 4. This act shall take effect immediately, and shall apply to  
16 policies and contracts issued, renewed, modified, altered or amended on  
17 or after such date.