

STATE OF NEW YORK

5576

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Alcoholism and
Substance Use Disorders

AN ACT to amend the mental hygiene law and the social services law, in
relation to establishing contingency management services for certain
persons with substance use disorders

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

1 Section 1. Section 19.03 of the mental hygiene law is amended by
2 adding a new subdivision 3 to read as follows:

3 3. "Contingency management services" means addiction disorder
4 services, including digital therapeutics prescribed by a healthcare
5 professional, for persons with a substance use disorder that provides
6 individuals with a financial incentive or positive reinforcement to
7 abstain from substance use, by rewarding specified behaviors, including,
8 but not limited to continued evidence of negative urinalysis, engagement
9 in treatment, and other behavior which adheres to treatment goals.

10 § 2. Section 19.17 of the mental hygiene law is amended by adding a
11 new subdivision (h) to read as follows:

12 (h) (1) The office shall, in coordination with the department of
13 health and the New York state conference of local mental hygiene direc-
14 tors, establish a program to provide contingency management services, as
15 defined in subdivision three of section 19.03 of this article for
16 persons eligible for medical assistance under title eleven of article
17 five of the social services law for individuals in recovery for
18 substance use disorder.

19 (2) Notwithstanding any contrary provision of law, incentives or
20 rewards for contingency management services received by an individual
21 pursuant to this subdivision shall not be considered income or resources
22 of an individual for the purposes of any determinations of eligibility
23 for any other state program or benefit, including but not limited to the

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

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1 medical assistance program, any state or federal program, or any other
2 means-tested program or benefit.

3 (3) In developing the program under paragraph one of this subdivision,
4 the office shall ensure that incentives or rewards for contingency
5 management services are used for the intended purposes and not diverted
6 for other uses. The office shall develop a plan to monitor the program
7 for fraud and misuse of contingency management incentives and rewards.

8 (4) Notwithstanding any contrary provision of law, the commissioner,
9 in collaboration with the commissioner of health, shall, to the extent
10 necessary, develop and submit any appropriate waivers for implementation
11 of this program, including, but not limited to, those authorized pursu-
12 ant to sections eleven hundred fifteen and nineteen hundred fifteen of
13 the federal social security act, or successor provisions, and any other
14 waivers necessary to achieve the purposes of high quality, integrated,
15 and cost effective care and integrated financial eligibility policies
16 under the medical assistance program or pursuant to title XVIII of the
17 federal social security act. Copies of such original waiver applications
18 shall be provided to the chair of the senate finance committee and the
19 chair of the assembly ways and means committee simultaneously with their
20 submission to the federal government.

21 § 3. Subdivision 2 of section 365-a of the social services law is
22 amended by adding a new paragraph (kk) to read as follows:

23 (kk) contingency management services and supports provided pursuant to
24 article nineteen of the mental hygiene law.

25 § 4. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law. Effective immediately, the addition, amend-
27 ment and/or repeal of any rule or regulation necessary for the implemen-
28 tation of this act on its effective date are authorized to be made and
29 completed on or before such effective date.