

STATE OF NEW YORK

5812

2023-2024 Regular Sessions

IN SENATE

March 17, 2023

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 mobile medical applications

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

1 Section 1. Legislative findings and declaration. Within the past
2 decade, it has become clear more needs to be done for New Yorkers with
3 substance use disorders. From 2010 to 2021, the number of fatal drug
4 overdoses in New York state alone increased from 1,557 to 5,841. This
5 problem was only exacerbated by the COVID-19 pandemic, which was a
6 relapse and addiction catalyst for many individuals. Evidence-based
7 smartphone apps are new, software-based disease treatments designed to
8 directly treat disease, tested for safety and efficacy in randomized
9 clinical trials, evaluated by the FDA, and prescribed by healthcare
10 providers. These therapies are designed and tested much like tradi-
11 tional prescription drugs with one distinction: rather than swallow-
12 ing a pill or taking an injection, patients are treated with software.
13 Certain evidence-based smartphone apps provide clinicians and
14 patients with evidence-based remote treatment modalities to treat
15 substance and opioid use disorders, mental health, and other
16 diseases and conditions. However, there is no clear statutory benefit
17 category to allow Medicaid coverage for evidence-based smartphone apps.
18 In light of the promise of evidence-based smartphone apps for the
19 treatment of patients with substance use and opioid use disorders
20 during the COVID-19 pandemic, this legislation would require that
21 the New York state department of health seek guidance from the Centers
22 for Medicare and Medicaid Services relative to a coverage and
23 reimbursement pathway for evidence-based smartphone apps, in order to
24 accelerate access to such therapies for enrollees.

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

LBD06394-02-3

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

8 § 3. This act shall take effect immediately.