

STATE OF NEW YORK

6362

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. BROUK -- 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 including outpatient care provided by creative arts therapists in certain insurance policies

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

1 Section 1. Item (ii) of subparagraph (A) of paragraph 35 of subsection
2 (i) of section 3216 of the insurance law, as amended by chapter 62 of
3 the laws of 2023, is amended to read as follows:

4 (ii) where the policy provides coverage for physician services, such
5 policy shall include benefits for outpatient care provided by a psychia-
6 trist or psychologist licensed to practice in this state, a licensed
7 clinical social worker within the lawful scope of his or her practice,
8 who is licensed pursuant to article one hundred fifty-four of the educa-
9 tion law, a mental health counselor, marriage and family therapist,
10 creative arts therapist, or psychoanalyst licensed pursuant to article
11 one hundred sixty-three of the education law, a nurse practitioner
12 licensed to practice in this state, or a professional corporation or
13 university faculty practice corporation thereof. Nothing herein shall
14 be construed to modify or expand the scope of practice of a mental
15 health counselor, marriage and family therapist, creative arts thera-
16 pist, or psychoanalyst licensed pursuant to article one hundred sixty-
17 three of the education law. Further, nothing herein shall be construed
18 to create a new mandated health benefit.

19 § 2. Subparagraph (A) of paragraph 4 of subsection (1) of section 3221
20 of the insurance law, as amended by chapter 62 of the laws of 2023, is
21 amended to read as follows:

22 (A) Every insurer delivering a group policy or issuing a group policy
23 for delivery, in this state, that provides reimbursement for psychiatric
24 or psychological services or for the diagnosis and treatment of mental

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

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1 health conditions, however defined in such policy, by physicians,
2 psychiatrists or psychologists, shall provide the same coverage to
3 insureds for such services when performed by a licensed clinical social
4 worker, within the lawful scope of his or her practice, who is licensed
5 pursuant to article one hundred fifty-four of the education law and
6 mental health counselors, marriage and family therapists, creative arts
7 therapists, and psychoanalysts licensed pursuant to article one hundred
8 sixty-three of the education law, within the lawful scope of his or her
9 practice. Nothing herein shall be construed to modify or expand the
10 scope of practice of a mental health counselor, marriage and family
11 therapist, creative arts therapist, or psychoanalyst licensed pursuant
12 to article one hundred sixty-three of the education law. Further, noth-
13 ing herein shall be construed to create a new mandated health benefit.

14 § 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (l) of
15 section 3221 of the insurance law, as amended by chapter 62 of the laws
16 of 2023, is amended to read as follows:

17 (ii) where the policy provides coverage for physician services, it
18 shall include benefits for outpatient care provided by a psychiatrist or
19 psychologist licensed to practice in this state, or a mental health
20 counselor, marriage and family therapist, creative arts therapist, or
21 psychoanalyst licensed pursuant to article one hundred sixty-three of
22 the education law, or a licensed clinical social worker within the
23 lawful scope of his or her practice, who is licensed pursuant to article
24 one hundred fifty-four of the education law, a nurse practitioner
25 licensed to practice in this state, or a professional corporation or
26 university faculty practice corporation thereof. Nothing herein shall be
27 construed to modify or expand the scope of practice of a mental health
28 counselor, marriage and family therapist, creative arts therapist, or
29 psychoanalyst licensed pursuant to article one hundred sixty-three of
30 the education law. Further, nothing herein shall be construed to create
31 a new mandated health benefit.

32 § 4. Paragraph 2 of subsection (g) of section 4303 of the insurance
33 law, as amended by chapter 62 of the laws of 2023, is amended to read as
34 follows:

35 (2) where the contract provides coverage for physician services such
36 contract shall provide benefits for outpatient care provided by a
37 psychiatrist or psychologist licensed to practice in this state, or a
38 mental health counselor, marriage and family therapist, creative arts
39 therapist, or psychoanalyst licensed pursuant to article one hundred
40 sixty-three of the education law, or a licensed clinical social worker
41 within the lawful scope of his or her practice, who is licensed pursuant
42 to article one hundred fifty-four of the education law, a nurse practi-
43 tioner licensed to practice in this state, or professional corporation
44 or university faculty practice corporation thereof. Nothing herein shall
45 be construed to modify or expand the scope of practice of a mental
46 health counselor, marriage and family therapist, creative arts thera-
47 pist, or psychoanalyst licensed pursuant to article one hundred sixty-
48 three of the education law. Further, nothing herein shall be construed
49 to create a new mandated health benefit.

50 § 5. Subsection (n) of section 4303 of the insurance law, as amended
51 by chapter 62 of the laws of 2023, is amended to read as follows:

52 (n) Every health service or medical expense indemnity corporation
53 issuing a group contract pursuant to this section or a group remittance
54 contract for delivery in this state which contract provides reimburse-
55 ment to subscribers or physicians, psychiatrists or psychologists for
56 psychiatric or psychological services or for the diagnosis and treatment

1 of mental health conditions, however defined in such contract, must
2 provide the same coverage to persons covered under the group contract
3 for such services when performed by a licensed clinical social worker,
4 within the lawful scope of his or her practice, who is licensed pursuant
5 to article one hundred fifty-four of the education law and a mental
6 health counselor, marriage and family therapist, creative arts thera-
7 pist, or psychoanalyst licensed pursuant to article one hundred sixty-
8 three of the education law. Nothing herein shall be construed to modify
9 or expand the scope of practice of a mental health counselor, marriage
10 and family therapist, creative arts therapist, or psychoanalyst licensed
11 pursuant to article one hundred sixty-three of the education law.
12 Further, nothing herein shall be construed to create a new mandated
13 health benefit. The state board for social work shall maintain a list of
14 all licensed clinical social workers qualified for reimbursement under
15 this subsection. The state board for mental health practitioners shall
16 maintain a list of all licensed mental health counselors, marriage and
17 family therapists, creative arts therapists, or psychoanalysts qualified
18 for reimbursement under this subsection.

19 § 6. This act shall take effect immediately and shall apply to all
20 policies and contracts issued, renewed, modified, altered or amended on
21 or after such effective date.