

STATE OF NEW YORK

4081

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred 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 finding and declaration. New Yorkers in recovery for substance and opioid use disorders and in treatment for mental
2 health conditions are losing access to in-person treatment under the
3 state's "stay at home" and social distancing orders as part of coronavirus pandemic mitigation efforts. In recent news reports, experts warn
4 that the coronavirus pandemic may be "a national relapse trigger" for
5 individuals in treatment for alcohol, cocaine, methamphetamine, marijuana, and heroin addiction. Evidence-based mobile medical applications
6 are new, software-based disease treatments designed to directly treat
7 disease, tested for safety and efficacy in randomized clinical trials,
8 evaluated by the FDA, and prescribed by healthcare providers. These
9 therapies are designed and tested much like traditional prescription
10 drugs with one distinction: rather than swallowing a pill or taking an
11 injection, patients are treated with software. Certain evidence-based
12 mobile medical applications provide clinicians and patients with
13 evidence-based remote treatment modalities to treat substance and opioid
14 use disorders, mental health, and other diseases and conditions. However,
15 there is no clear statutory benefit category to allow Medicaid
16 coverage for evidence-based mobile medical applications. In light of
17 the promise of evidence-based mobile medical applications for the treatment of patients with substance use and opioid use disorders during the
18 coronavirus pandemic, this legislation would require that the New York
19 state department of health seek guidance from the Centers for Medicare
20 and Medicaid Services relative to a coverage and reimbursement pathway

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

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