

# STATE OF NEW YORK

4440

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. STECK -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to requiring mental health evaluations for participants in substance use disorder treatment programs

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

1 Section 1. Section 19.09 of the mental hygiene law is amended by  
2 adding a new subdivision (m) to read as follows:

3 (m)(1) Notwithstanding any provision of law to the contrary, the  
4 commissioner shall require all certified substance use disorder treat-  
5 ment-related programs approved by the office to provide program partic-  
6 ipants with a mental health evaluation conducted by a licensed profes-  
7 sional whose scope of practice includes the diagnosis of mental health  
8 disorders who shall, if appropriate, refer the participant for outpa-  
9 tient mental health treatment. Transportation services to such outpa-  
10 tient treatment shall be provided to a participant.

11 (2) The office shall establish a bureau of qualified licensed provid-  
12 ers for all licensed professionals as defined in paragraph one of this  
13 subdivision who shall provide such evaluation pursuant to this subdivi-  
14 sion.

15 (3) As an alternative to the provisions of paragraph one of this  
16 subdivision, programs certified by the office may choose to utilize  
17 their own employees or independent contractors to provide both the eval-  
18 uation referred to in paragraph one of this subdivision and the treat-  
19 ment of persons with co-occurring disorders. Notwithstanding any law,  
20 rule, or regulation to the contrary, the commissioner is authorized to  
21 certify such programs for the outpatient treatment of patients diagnosed  
22 with co-occurring disorders provided in OASAS-certified facilities,  
23 provided that such programs shall use only providers of the type  
24 described in paragraph one of this subdivision.

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

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1 (4) No primary diagnosis shall be required for a person to be treated  
2 in a program for co-occurring disorders. A mental health diagnosis shall  
3 not be a basis for the denial of admission to, or the expulsion from, a  
4 certified substance use disorder treatment facility.

5 (5) The commissioner shall endeavor to ensure that all existing  
6 provisions of this chapter are complied within the establishment of  
7 programs for persons with co-occurring disorders, but the commissioner  
8 may, in the course of the regulatory process, determine that any such  
9 provisions are an obstacle to fulfillment of effective treatment of  
10 co-occurring disorders and, as such, shall not be part of the certif-  
11 ication process under this article.

12 (6) Notwithstanding any other provision of law to the contrary, the  
13 bureau established pursuant to paragraph two of this subdivision and the  
14 programs for co-occurring disorders described in paragraph three of this  
15 subdivision, shall have access to all prior substance abuse and mental  
16 health treatment records for use in the evaluation prescribed in para-  
17 graph one of this subdivision and all other treatment related purposes.

18 (7) The commissioner shall promulgate rules and regulations necessary  
19 for the effectuation of this section, including the use of telehealth  
20 services, appropriate reimbursement for the transportation referred to  
21 in this subdivision, and appropriate billing requirements and reimburse-  
22 ment for programs providing integrated services to individuals with  
23 co-occurring disorders in an OASAS-certified outpatient facility,  
24 including medical, psychiatric and clinical services.

25 § 2. This act shall take effect immediately.