STATE OF NEW YORK

4945

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. STECK, K. BROWN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in relation to requiring health insurers to provide coverage for non-opioid treatments utilized for pain management

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39) (A) Every policy which provides medical, major medical, or similar comprehensive type coverage shall include coverage for non-opioid treatments utilized for pain management.

(B) As used in this paragraph "non-opioid treatments utilized for pain management" shall include, but not be limited to:

(i) a drug or biological product that is indicated to produce analgesia without acting upon the body's opioid receptors that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed; or

(ii) an implantable, reusable, or disposable medical device for the intended use of managing or treating pain that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed.

(C) Coverage provided under this paragraph may be subject to annual deductibles and co-insurance as deemed appropriate by the superintendent and that are consistent with those imposed on other benefits within a given policy.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) (A) Every group or blanket policy which provides medical, major medical, or similar comprehensive type coverage shall include coverage for non-opioid treatments utilized for pain management.

(B) As used in this paragraph "non-opioid treatments utilized for pain management" shall include, but not be limited to:

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

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(i) a drug or biological product that is indicated to produce analgesia without acting upon the body's opioid receptors that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed; or

(ii) an implantable, reusable, or disposable medical device for the intended use of managing or treating pain that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed.

(C) Coverage provided under this paragraph may be subject to annual deductibles and co-insurance as deemed appropriate by the superintendent and that are consistent with those imposed on other benefits within a given policy.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (uu) to read as follows:

(uu) (1) Every contract issued by a medical expense indemnity corporation, hospital service corporation, or health service corporation which provides medical, major medical, or similar comprehensive type coverage shall include coverage for non-opioid treatments utilized for pain management.

(2) As used in this subsection "non-opioid treatments utilized for pain management" shall include, but not be limited to:

(A) a drug or biological product that is indicated to produce analgesia without acting upon the body's opioid receptors that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed; or

(B) an implantable, reusable, or disposable medical device for the intended use of managing or treating pain that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed.

(3) Coverage provided under this subsection may be subject to annual deductibles and co-insurance as deemed appropriate by the superintendent and that are consistent with those imposed on other benefits within a given policy.

§ 4. The social services law is amended by adding a new section 365-p to read as follows:

§ 365-p. Provision of alternative treatment for pain management. 1. The commissioner shall establish standards and guidelines for the provision of non-opioid treatments utilized for pain management under the medical assistance program. In establishing such standards and guidelines, the commissioner shall consult with providers of non-opioid treatments utilized for pain management and other interested parties.

2. For purposes of this title, "non-opioid treatments utilized for pain management" shall include, but not be limited to:

(a) a drug or biological product that is indicated to produce analgesia without acting upon the body's opioid receptors that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed; or

(b) an implantable, reusable, or disposable medical device for the intended use of managing or treating pain that has demonstrated the ability to replace, reduce, or avoid opioid use or the quantity of opioids prescribed.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law, and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.