

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:

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

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

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

8 (i) a drug or biological product that is indicated to produce analge-
9 sia without acting upon the body's opioid receptors that has demon-
10 strated the ability to replace, reduce, or avoid opioid use or the quan-
11 tity of opioids prescribed; or

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

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

20 § 2. Subsection (1) of section 3221 of the insurance law is amended by
21 adding a new paragraph 22 to read as follows:

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

25 (B) As used in this paragraph "non-opioid treatments utilized for pain
26 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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1 (i) a drug or biological product that is indicated to produce analge-
2 sia without acting upon the body's opioid receptors that has demon-
3 strated the ability to replace, reduce, or avoid opioid use or the quan-
4 tity of opioids prescribed; or

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

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

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

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

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

22 (A) a drug or biological product that is indicated to produce analge-
23 sia without acting upon the body's opioid receptors that has demon-
24 strated the ability to replace, reduce, or avoid opioid use or the quan-
25 tity of opioids prescribed; or

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

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

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

36 § 365-p. Provision of alternative treatment for pain management. 1.
37 The commissioner shall establish standards and guidelines for the
38 provision of non-opioid treatments utilized for pain management under
39 the medical assistance program. In establishing such standards and
40 guidelines, the commissioner shall consult with providers of non-opioid
41 treatments utilized for pain management and other interested parties.

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

44 (a) a drug or biological product that is indicated to produce analge-
45 sia without acting upon the body's opioid receptors that has demon-
46 strated the ability to replace, reduce, or avoid opioid use or the quan-
47 tity of opioids prescribed; or

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

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