

# STATE OF NEW YORK

875

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing reimbursement for transportation to and from inpatient and outpatient diagnosis and treatment of substance disorder

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

1 Section 1. Subparagraph (A) of paragraph 30 of subsection (i) of  
2 section 3216 of the insurance law, as amended by section 5 of subpart A  
3 of part BB of chapter 57 of the laws of 2019, is amended to read as  
4 follows:

5 (A) Every policy that provides hospital, major medical or similar  
6 comprehensive coverage shall provide inpatient coverage for the diagno-  
7 sis and treatment of substance use disorder, including detoxification  
8 and rehabilitation services, and shall provide reimbursement for trans-  
9 portation to and from such inpatient diagnosis and treatment of  
10 substance use disorder. Such inpatient coverage shall include unlimited  
11 medically necessary treatment for substance use disorder treatment  
12 services provided in residential settings. Further, such inpatient  
13 coverage shall not apply financial requirements or treatment limita-  
14 tions, including utilization review requirements, to inpatient substance  
15 use disorder benefits that are more restrictive than the predominant  
16 financial requirements and treatment limitations applied to substantial-  
17 ly all medical and surgical benefits covered by the policy.

18 § 2. Subparagraph (A) of paragraph 31 of subsection (i) of section  
19 3216 of the insurance law, as amended by section 6 of subpart A of part  
20 BB of chapter 57 of the laws of 2019, is amended to read as follows:

21 (A) Every policy that provides medical, major medical or similar  
22 comprehensive-type coverage shall provide outpatient coverage for the  
23 diagnosis and treatment of substance use disorder, including detoxifica-  
24 tion and rehabilitation services, and shall provide reimbursement for

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

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1 transportation to and from such outpatient diagnosis and treatment of  
2 substance use disorder. Such coverage shall not apply financial require-  
3 ments or treatment limitations to outpatient substance use disorder  
4 benefits that are more restrictive than the predominant financial  
5 requirements and treatment limitations applied to substantially all  
6 medical and surgical benefits covered by the policy.

7 § 3. Subparagraph (A) of paragraph 6 of subsection (1) of section 3221  
8 of the insurance law, as amended by section 15 of subpart A of part BB  
9 of chapter 57 of the laws of 2019, is amended to read as follows:

10 (A) Every policy that provides hospital, major medical or similar  
11 comprehensive coverage shall provide inpatient coverage for the diagno-  
12 sis and treatment of substance use disorder, including detoxification  
13 and rehabilitation services, and shall provide reimbursement for trans-  
14 portation to and from such inpatient diagnosis and treatment of  
15 substance use disorder. Such inpatient coverage shall include unlimited  
16 medically necessary treatment for substance use disorder treatment  
17 services provided in residential settings. Further, such inpatient  
18 coverage shall not apply financial requirements or treatment limita-  
19 tions, including utilization review requirements, to inpatient substance  
20 use disorder benefits that are more restrictive than the predominant  
21 financial requirements and treatment limitations applied to substantial-  
22 ly all medical and surgical benefits covered by the policy.

23 § 4. Subparagraph (A) of paragraph 7 of subsection (1) of section 3221  
24 of the insurance law, as amended by section 16 of subpart A of part BB  
25 of chapter 57 of the laws of 2019, is amended to read as follows:

26 (A) Every policy that provides medical, major medical or similar  
27 comprehensive-type coverage shall provide outpatient coverage for the  
28 diagnosis and treatment of substance use disorder, including detoxifica-  
29 tion and rehabilitation services, and shall provide reimbursement for  
30 transportation to and from such outpatient diagnosis and treatment of  
31 substance use disorder. Such coverage shall not apply financial  
32 requirements or treatment limitations to outpatient substance use disor-  
33 der benefits that are more restrictive than the predominant financial  
34 requirements and treatment limitations applied to substantially all  
35 medical and surgical benefits covered by the policy.

36 § 5. Paragraph 1 of subsection (k) of section 4303 of the insurance  
37 law, as amended by section 26 of subpart A of part BB of chapter 57 of  
38 the laws of 2019, is amended to read as follows:

39 (1) Every contract that provides hospital, major medical or similar  
40 comprehensive coverage shall provide inpatient coverage for the diagno-  
41 sis and treatment of substance use disorder, including detoxification  
42 and rehabilitation services, and shall provide reimbursement for trans-  
43 portation to and from such inpatient diagnosis and treatment of  
44 substance use disorder. Such inpatient coverage shall include unlimited  
45 medically necessary treatment for substance use disorder treatment  
46 services provided in residential settings. Further, such inpatient  
47 coverage shall not apply financial requirements or treatment limita-  
48 tions, including utilization review requirements, to inpatient substance  
49 use disorder benefits that are more restrictive than the predominant  
50 financial requirements and treatment limitations applied to substantial-  
51 ly all medical and surgical benefits covered by the contract.

52 § 6. Paragraph 1 of subsection (l) of section 4303 of the insurance  
53 law, as amended by section 27 of subpart A of part BB of chapter 57 of  
54 the laws of 2019, is amended to read as follows:

55 (1) Every contract that provides medical, major medical or similar  
56 comprehensive-type coverage shall provide outpatient coverage for the

1 diagnosis and treatment of substance use disorder, including detoxifica-  
2 tion and rehabilitation services, and shall provide reimbursement for  
3 transportation to and from such outpatient diagnosis and treatment of  
4 substance use disorder. Such coverage shall not apply financial  
5 requirements or treatment limitations to outpatient substance use disor-  
6 der benefits that are more restrictive than the predominant financial  
7 requirements and treatment limitations applied to substantially all  
8 medical and surgical benefits covered by the contract.  
9 § 7. This act shall take effect on the ninetieth day after it shall  
10 have become a law and shall apply to all policies and contracts issued,  
11 renewed, modified, altered or amended on or after such date.