

STATE OF NEW YORK

1355

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to mental health services required to be covered by certain insurance policies

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

Section 1. Item (ii) of subparagraph (A) of paragraph 35 of subsection (i) of section 3216 of the insurance law, as amended by a chapter of the laws of 2022 amending the insurance law relating to health insurance coverage of outpatient care provided by a mental health practitioner and a clinical social worker, as proposed in legislative bills numbers S. 6574-A and A. 1171-A, is amended to read as follows:

(ii) where the policy provides coverage for physician services, such policy shall include benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, a licensed clinical social worker within the lawful scope of his or her practice, who is licensed pursuant to article one hundred fifty-four of the education law, a mental health counselor, marriage and family therapist, ~~[creative arts therapist]~~ or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, a nurse practitioner licensed to practice in this state, or a professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, ~~[creative arts therapist]~~ or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 2. Subparagraph (A) of paragraph 4 of subsection (1) of section 3221 of the insurance law, as amended by a chapter of the laws of 2022 amending the insurance law relating to health insurance coverage of outpatient care provided by a mental health practitioner and a clinical

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

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1 social worker, as proposed in legislative bills numbers S. 6574-A and A.
2 1171-A, is amended to read as follows:

3 (A) Every insurer delivering a group policy or issuing a group policy
4 for delivery, in this state, that provides reimbursement for psychiatric
5 or psychological services or for the diagnosis and treatment of mental
6 health conditions, however defined in such policy, by physicians,
7 psychiatrists or psychologists, shall provide the same coverage to
8 insureds for such services when performed by a licensed clinical social
9 worker, within the lawful scope of his or her practice, who is licensed
10 pursuant to article one hundred fifty-four of the education law and
11 mental health counselors, marriage and family therapists, [~~creative-arts~~
12 ~~therapists~~] and psychoanalysts licensed pursuant to article one hundred
13 sixty-three of the education law, within the lawful scope of his or her
14 practice. Nothing herein shall be construed to modify or expand the
15 scope of practice of a mental health counselor, marriage and family
16 therapist, [~~creative-arts-therapist~~] or psychoanalyst licensed pursuant
17 to article one hundred sixty-three of the education law. Further, noth-
18 ing herein shall be construed to create a new mandated health benefit.

19 § 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (1) of
20 section 3221 of the insurance law, as amended by a chapter of the laws
21 of 2022 amending the insurance law relating to health insurance coverage
22 of outpatient care provided by a mental health practitioner and a clin-
23 ical social worker, as proposed in legislative bills numbers S. 6574-A
24 and A. 1171-A, is amended to read as follows:

25 (ii) where the policy provides coverage for physician services, it
26 shall include benefits for outpatient care provided by a psychiatrist or
27 psychologist licensed to practice in this state, or a mental health
28 counselor, marriage and family therapist, [~~creative-arts-therapist~~] or
29 psychoanalyst licensed pursuant to article one hundred sixty-three of
30 the education law, or a licensed clinical social worker within the
31 lawful scope of his or her practice, who is licensed pursuant to article
32 one hundred fifty-four of the education law, a nurse practitioner
33 licensed to practice in this state, or a professional corporation or
34 university faculty practice corporation thereof. Nothing herein shall be
35 construed to modify or expand the scope of practice of a mental health
36 counselor, marriage and family therapist, [~~creative-arts-therapist~~] or
37 psychoanalyst licensed pursuant to article one hundred sixty-three of
38 the education law. Further, nothing herein shall be construed to create
39 a new mandated health benefit.

40 § 4. Paragraph 2 of subsection (g) of section 4303 of the insurance
41 law, as amended by a chapter of the laws of 2022 amending the insurance
42 law relating to health insurance coverage of outpatient care provided by
43 a mental health practitioner and a clinical social worker, as proposed
44 in legislative bills numbers S. 6574-A and A. 1171-A, is amended to read
45 as follows:

46 (2) where the contract provides coverage for physician services such
47 contract shall provide benefits for outpatient care provided by a
48 psychiatrist or psychologist licensed to practice in this state, or a
49 mental health counselor, marriage and family therapist, [~~creative-arts~~
50 ~~therapist~~] or psychoanalyst licensed pursuant to article one hundred
51 sixty-three of the education law, or a licensed clinical social worker
52 within the lawful scope of his or her practice, who is licensed pursuant
53 to article one hundred fifty-four of the education law, a nurse practi-
54 tioner licensed to practice in this state, or professional corporation
55 or university faculty practice corporation thereof. Nothing herein shall
56 be construed to modify or expand the scope of practice of a mental

1 health counselor, marriage and family therapist, [~~creative arts thera-~~
2 ~~pist~~] or psychoanalyst licensed pursuant to article one hundred sixty-
3 three of the education law. Further, nothing herein shall be construed
4 to create a new mandated health benefit.

5 § 5. Subsection (n) of section 4303 of the insurance law, as amended
6 by a chapter of the laws of 2022 amending the insurance law relating to
7 health insurance coverage of outpatient care provided by a mental health
8 practitioner and a clinical social worker, as proposed in legislative
9 bills numbers S. 6574-A and A. 1171-A, is amended to read as follows:

10 (n) Every health service or medical expense indemnity corporation
11 issuing a group contract pursuant to this section or a group remittance
12 contract for delivery in this state which contract provides reimburse-
13 ment to subscribers or physicians, psychiatrists or psychologists for
14 psychiatric or psychological services or for the diagnosis and treatment
15 of mental health conditions, however defined in such contract, must
16 provide the same coverage to persons covered under the group contract
17 for such services when performed by a licensed clinical social worker,
18 within the lawful scope of his or her practice, who is licensed pursuant
19 to article one hundred fifty-four of the education law and a mental
20 health counselor, marriage and family therapist, [~~creative arts thera-~~
21 ~~pist~~] or psychoanalyst licensed pursuant to article one hundred sixty-
22 three of the education law. Nothing herein shall be construed to modify
23 or expand the scope of practice of a mental health counselor, marriage
24 and family therapist, [~~creative arts therapist~~] or psychoanalyst
25 licensed pursuant to article one hundred sixty-three of the education
26 law. Further, nothing herein shall be construed to create a new
27 mandated health benefit. The state board for social work shall maintain
28 a list of all licensed clinical social workers qualified for reimburse-
29 ment under this subsection. The state board for mental health practi-
30 tioners shall maintain a list of all licensed mental health counselors,
31 marriage and family therapists, [~~creative arts therapists~~] or psychoana-
32 lysts qualified for reimbursement under this subsection.

33 § 6. This act shall take effect on the same date and in the same
34 manner as a chapter of the laws of 2022 amending the insurance law
35 relating to health insurance coverage of outpatient care provided by a
36 mental health practitioner and a clinical social worker, as proposed in
37 legislative bills numbers S. 6574-A and A. 1171-A, takes effect.