STATE OF NEW YORK

5576

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the mental hygiene law and the social services law, in relation to establishing contingency management services for certain persons with substance use disorders

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

Section 1. Section 19.03 of the mental hygiene law is amended by adding a new subdivision 3 to read as follows:

3. "Contingency management services" means addiction disorder services, including digital therapeutics prescribed by a healthcare professional, for persons with a substance use disorder that provides individuals with a financial incentive or positive reinforcement to abstain from substance use, by rewarding specified behaviors, including, but not limited to continued evidence of negative urinalysis, engagement in treatment, and other behavior which adheres to treatment goals.

§ 2. Section 19.17 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:

(h) (1) The office shall, in coordination with the department of health and the New York state conference of local mental hygiene directors, establish a program to provide contingency management services, as defined in subdivision three of section 19.03 of this article for persons eligible for medical assistance under title eleven of article five of the social services law for individuals in recovery for substance use disorder.

(2) Notwithstanding any contrary provision of law, incentives or rewards for contingency management services received by an individual pursuant to this subdivision shall not be considered income or resources of an individual for the purposes of any determinations of eligibility for any other state program or benefit, including but not limited to the

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

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medical assistance program, any state or federal program, or any other means-tested program or benefit.

(3) In developing the program under paragraph one of this subdivision, the office shall ensure that incentives or rewards for contingency management services are used for the intended purposes and not diverted for other uses. The office shall develop a plan to monitor the program for fraud and misuse of contingency management incentives and rewards.

(4) Notwithstanding any contrary provision of law, the commissioner, in collaboration with the commissioner of health, shall, to the extent necessary, develop and submit any appropriate waivers for implementation of this program, including, but not limited to, those authorized pursuant to sections eleven hundred fifteen and nineteen hundred fifteen of the federal social security act, or successor provisions, and any other waivers necessary to achieve the purposes of high quality, integrated, and cost effective care and integrated financial eligibility policies under the medical assistance program or pursuant to title XVIII of the federal social security act. Copies of such original waiver applications shall be provided to the chair of the senate finance committee and the chair of the assembly ways and means committee simultaneously with their submission to the federal government.

§ 3. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (kk) to read as follows:

(kk) contingency management services and supports provided pursuant to article nineteen of the mental hygiene law.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.