# STATE OF NEW YORK

6362

2023-2024 Regular Sessions

# IN SENATE

April 18, 2023

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

AN ACT to amend the insurance law, in relation to including outpatient care provided by creative arts therapists in 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 chapter 62 of the laws of 2023, 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 (l) of section 3221 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(A) Every insurer delivering a group policy or issuing a group policy for delivery, in this state, that provides reimbursement for psychiatric or psychological services or for the diagnosis and treatment of mental

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

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health conditions, however defined in such policy, by physicians, psychiatrists or psychologists, shall provide the same coverage to insureds for such services when performed by 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 and mental health counselors, marriage and family therapists, **creative arts therapists,** and psychoanalysts licensed pursuant to article one hundred sixty-three of the education law, within the lawful scope of his or her practice. 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.

§ 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(ii) where the policy provides coverage for physician services, it shall include benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or 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, or 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 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.

§ 4. Paragraph 2 of subsection (g) of section 4303 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(2) where the contract provides coverage for physician services such contract shall provide benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or 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, or 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 nurse practitioner licensed to practice in this state, or 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.

§ 5. Subsection (n) of section 4303 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(n) Every health service or medical expense indemnity corporation issuing a group contract pursuant to this section or a group remittance contract for delivery in this state which contract provides reimbursement to subscribers or physicians, psychiatrists or psychologists for psychiatric or psychological services or for the diagnosis and treatment

of mental health conditions, however defined in such contract, must provide the same coverage to persons covered under the group contract for such services when performed by 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 and 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. 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. The state board for social work shall maintain a list of all licensed clinical social workers qualified for reimbursement under this subsection. The state board for mental health practitioners shall maintain a list of all licensed mental health counselors, marriage and family therapists, **creative arts therapists,** or psychoanalysts qualified for reimbursement under this subsection.

§ 6. This act shall take effect immediately and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such effective date.