

# STATE OF NEW YORK

8325

## IN SENATE

January 18, 2024

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

AN ACT to amend the social services law, in relation to including services provided by certified recovery peer advocates and certain services provided at inpatient facilities as part of standard coverage

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

1 Section 1. Paragraph (c) of subdivision 2 of section 365-a of the  
2 social services law, as amended by section 12-a of part C of chapter 60  
3 of the laws of 2014, is amended to read as follows:

4 (c) out-patient hospital or clinic services in facilities operated in  
5 compliance with applicable provisions of this chapter, the public health  
6 law, the mental hygiene law and other laws, including any provisions  
7 thereof requiring an operating certificate or license, including facilities  
8 authorized by the appropriate licensing authority to provide integrated  
9 mental health services, and/or [~~alcoholism and~~] substance [~~abuse~~]  
10 use disorder services, and/or physical health services, and/or services  
11 to persons with developmental disabilities, when such services are  
12 provided at a single location or service site, or where such facilities  
13 are not conveniently accessible, in any hospital located within the  
14 state and care and services in a day treatment program operated by the  
15 department of mental hygiene or by a voluntary agency under an agreement  
16 with such department in that part of a public institution operated and  
17 approved pursuant to law as an intermediate care facility for persons  
18 with developmental disabilities; and provided, that the commissioners of  
19 health, mental health, [~~alcoholism~~] addiction services and [~~substance~~  
20 ~~abuse services~~] supports and the office for people with developmental  
21 disabilities may issue regulations, including emergency regulations  
22 promulgated prior to October first, two thousand fifteen that are  
23 required to facilitate the establishment of integrated services clinics.  
24 Any such regulations promulgated under this paragraph shall be described  
25 in the annual report required pursuant to section forty-five-c of part A  
26 of chapter fifty-six of the laws of two thousand thirteen. Such  
27 services shall include those provided by certified recovery peer advo-

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

LBD14026-01-4

1 cates when provided by programs certified, licensed or otherwise author-  
2 ized by the office of addiction services and supports;

3 § 2. Paragraph (n) of subdivision 2 of section 365-a of the social  
4 services law, as amended by chapter 558 of the laws of 1999, is relet-  
5 tered paragraph (n-1) and amended to read as follows:

6 (n-1) care, treatment, maintenance and rehabilitation services that  
7 would otherwise qualify for reimbursement pursuant to this chapter to  
8 persons suffering from [~~alcoholism in alcoholism facilities or chemical~~  
9 ~~dependence~~] substance use disorder, as such term is defined in section  
10 1.03 of the mental hygiene law, in inpatient [~~chemical dependence~~]  
11 facilities, services, or programs operated in compliance with applicable  
12 provisions of this chapter and the mental hygiene law, and certified by  
13 the office of [~~alcoholism~~] addiction services and [~~substance abuse~~  
14 ~~services~~] supports, provided however that such services shall be limited  
15 to such periods of time as may be determined necessary in accordance  
16 with a utilization review procedure established by the commissioner of  
17 the office of [~~alcoholism~~] addiction services and [~~substance abuse~~  
18 ~~services~~] supports and provided further, that this paragraph shall not  
19 apply to any hospital or part of a hospital as defined in section two  
20 thousand eight hundred one of the public health law. Such services  
21 shall include those provided by certified recovery peer advocates when  
22 provided by programs certified, licensed or otherwise authorized by the  
23 office of addiction services and supports.

24 § 3. This act shall take effect immediately.