

STATE OF NEW YORK

8466

IN SENATE

February 1, 2024

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

AN ACT to amend the insurance law and the public health law, in relation to setting a minimum reimbursement rate for ambulatory behavioral health services

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

1 Section 1. Paragraph 35 of subsection (i) of section 3216 of the
2 insurance law is amended by adding a new subparagraph (K) to read as
3 follows:

4 (K) Every policy which provides medical, major medical, or similar
5 comprehensive-type coverage shall reimburse in network, participating
6 providers licensed pursuant to article twenty-eight of the public health
7 law or article thirty-one or thirty-two of the mental hygiene law for
8 ambulatory behavioral health services provided to its insureds, at a
9 minimum, at a rate equivalent to the payments established for such
10 services under the ambulatory patient group (APG) rate-setting methodol-
11 ogy at the time of service, utilized by the department of health or by
12 the office of mental health or offices of addiction services and
13 supports for rate-setting purposes for ambulatory behavioral health
14 services provided to enrollees in the medical assistance program under
15 title eleven of article five of the social services law. Insurers and in
16 network, participating providers may negotiate different rates and meth-
17 ods of payments, however insurers shall pay no less than the equivalent
18 of rates that would be paid for ambulatory behavioral health services
19 pursuant to the medical assistance program under title eleven of article
20 five of the social services law.

21 § 2. Paragraph 5 of subsection (l) of section 3221 of the insurance
22 law is amended by adding a new subparagraph (K) to read as follows:

23 (K) Every insurer delivering a group or blanket policy or issuing a
24 group or blanket policy for delivery in this state that provides cover-
25 age for hospital, major medical, or similar comprehensive-type
26 coverage shall reimburse in network, participating providers licensed
27 pursuant to article twenty-eight of the public health law or article

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

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1 thirty-one or thirty-two of the mental hygiene law for ambulatory behav-
2 ioral health services provided to its insureds, at a minimum, at a rate
3 equivalent to the payments established for such services under the ambu-
4 latory patient group (APG) rate-setting methodology at the time of
5 service, utilized by the department of health or by the office of mental
6 health or offices of addiction services and supports for rate-setting
7 purposes for ambulatory behavioral health services provided to enrollees
8 in the medical assistance program under title eleven of article five of
9 the social services law. Insurers and in network, participating provid-
10 ers may negotiate different rates and methods of payments, however
11 insurers shall pay no less than the equivalent of rates that would be
12 paid for ambulatory behavioral health services pursuant to the medical
13 assistance program under title eleven of article five of the social
14 services law.

15 § 3. Subsection (g) of section 4303 of the insurance law is amended by
16 adding a new paragraph 12 to read as follows:

17 (12) A medical expense indemnity corporation, a hospital service
18 corporation or a health service corporation that provides coverage for
19 medical, major medical, or similar comprehensive-type coverage shall
20 reimburse in network, participating providers licensed pursuant to arti-
21 cle twenty-eight of the public health law or article thirty-one or thir-
22 ty-two of the mental hygiene law for ambulatory behavioral health
23 services provided to its insureds, at a minimum, at a rate equivalent to
24 the payments established for such services under the ambulatory patient
25 group (APG) rate-setting methodology at the time of service, utilized by
26 the department of health or by the office of mental health or offices of
27 addiction services and supports for rate-setting purposes for ambulatory
28 behavioral health services provided to enrollees in the medical assist-
29 ance program under title eleven of article five of the social services
30 law. Insurers and in network, participating providers may negotiate
31 different rates and methods of payments, however insurers shall pay no
32 less than the equivalent of rates that would be paid for ambulatory
33 behavioral health services pursuant to the medical assistance program
34 under title eleven of article five of the social services law.

35 § 4. Section 4403 of the public health law is amended by adding a new
36 subdivision 10 to read as follows:

37 10. A health maintenance organization shall reimburse in network,
38 participating providers licensed pursuant to article twenty-eight of
39 this chapter or article thirty-one or thirty-two of the mental hygiene
40 law for ambulatory behavioral health services provided to its enrollees,
41 at a minimum, at a rate equivalent to the payments established for such
42 services under the ambulatory patient group (APG) rate-setting methodol-
43 ogy at the time of service, utilized by the department or by the office
44 of mental health or offices of addiction services and supports for rate-
45 setting purposes for ambulatory behavioral health services provided to
46 enrollees in the medical assistance program under title eleven of arti-
47 cle five of the social services law. Organizations and in network,
48 participating providers may negotiate different rates and methods of
49 payments, however organizations shall pay no less than the equivalent of
50 rates that would be paid for ambulatory behavioral health services
51 pursuant to the medical assistance program under title eleven of article
52 five of the social services law.

53 § 5. This act shall take effect September 1, 2024 and shall apply to
54 all policies and contracts issued, renewed, modified, altered or amended
55 on or after such date.