

# STATE OF NEW YORK

7038

2025-2026 Regular Sessions

## IN ASSEMBLY

March 18, 2025

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring rates paid for rehabilitation and opioid treatment be pursuant to certain fee schedules published by the office of addiction services and supports

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

1 Section 1. Subparagraph (J) of paragraph 31 of subsection (i) of  
2 section 3216 of the insurance law, as added by section 1 of part AA of  
3 chapter 57 of the laws of 2024, is amended to read as follows:

4 (J) This subparagraph shall apply to facilities in this state that are  
5 licensed, certified, or otherwise authorized by the office of addiction  
6 services and supports for the provision of outpatient, intensive outpa-  
7 tient, outpatient rehabilitation and opioid treatment that are partic-  
8 ipating in the insurer's provider network. Reimbursement for covered  
9 outpatient treatment provided by such facilities shall be at rates nego-  
10 tiated between the insurer and the participating facility, provided that  
11 such rates are not less than the rates that would be paid for such  
12 treatment pursuant to the medical assistance program under title eleven  
13 of article five of the social services law. For the purposes of this  
14 subparagraph, the rates that would be paid for such treatment pursuant  
15 to the medical assistance program under title eleven of article five of  
16 the social services law shall be set forth in a published fee schedule  
17 setting forth the specific fee for each individual service covered by  
18 this subparagraph by the office of addiction services and supports and  
19 shall be the rates with an effective date of April first of the preced-  
20 ing year, which shall be established prior to October first of the  
21 preceding calendar year. Prior to the submission of premium rate filings  
22 and applications, the superintendent shall provide insurers with guid-  
23 ance on factors to consider in calculating the impact of rate changes  
24 for the purposes of submitting premium rate filings and applications to

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

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1 the superintendent for the subsequent policy year. To the extent that  
2 the rates with an effective date of April first differ from the esti-  
3 mated rates incorporated in premium rate filings and applications,  
4 insurers may account for such differences in future premium rate filings  
5 and applications submitted to the superintendent for approval.

6 § 2. Subparagraph (K) of paragraph 35 of subsection (i) of section  
7 3216 of the insurance law, as added by section 2 of part AA of chapter  
8 57 of the laws of 2024, is amended to read as follows:

9 (K) This subparagraph shall apply to outpatient treatment provided in  
10 a facility issued an operating certificate by the commissioner of mental  
11 health pursuant to the provisions of article thirty-one of the mental  
12 hygiene law, or in a facility operated by the office of mental health,  
13 or in a crisis stabilization center licensed pursuant to section 36.01  
14 of the mental hygiene law, that is participating in the insurer's  
15 provider network. Reimbursement for covered outpatient treatment  
16 provided by such a facility shall be at rates negotiated between the  
17 insurer and the participating facility, provided that such rates are not  
18 less than the rates that would be paid for such treatment pursuant to  
19 the medical assistance program under title eleven of article five of the  
20 social services law. For the purposes of this subparagraph, the rates  
21 that would be paid for such treatment pursuant to the medical assistance  
22 program under title eleven of article five of the social services law  
23 shall be set forth in a published fee schedule setting forth the specif-  
24 ic fee for each individual service covered by this subparagraph by the  
25 office of mental health and shall be the rates with an effective date of  
26 April first of the preceding year, which shall be established prior to  
27 October first of the preceding calendar year. Prior to the submission of  
28 premium rate filings and applications, the superintendent shall provide  
29 insurers with guidance on factors to consider in calculating the impact  
30 of rate changes for the purposes of submitting premium rate filings and  
31 applications to the superintendent for the subsequent policy year. To  
32 the extent that the rates with an effective date of April first differ  
33 from the estimated rates incorporated in premium rate filings and appli-  
34 cations, insurers may account for such differences in future premium  
35 rate filings and applications submitted to the superintendent for  
36 approval.

37 § 3. Subparagraph (K) of paragraph 5 of subsection (l) of section 3221  
38 of the insurance law, as added by section 3 of part AA of chapter 57 of  
39 the laws of 2024, is amended to read as follows:

40 (K) This subparagraph shall apply to outpatient treatment provided in  
41 a facility issued an operating certificate by the commissioner of mental  
42 health pursuant to the provisions of article thirty-one of the mental  
43 hygiene law, or in a facility operated by the office of mental health,  
44 or in a crisis stabilization center licensed pursuant to section 36.01  
45 of the mental hygiene law, that is participating in the insurer's  
46 provider network. Reimbursement for covered outpatient treatment  
47 provided by such a facility shall be at rates negotiated between the  
48 insurer and the participating facility, provided that such rates are not  
49 less than the rates that would be paid for such treatment pursuant to  
50 the medical assistance program under title eleven of article five of the  
51 social services law. For the purposes of this subparagraph, the rates  
52 that would be paid for such treatment pursuant to the medical assistance  
53 program under title eleven of article five of the social services law  
54 shall be set forth in a published fee schedule setting forth the specif-  
55 ic fee for each individual service covered by this subparagraph by the  
56 office of mental health and shall be the rates with an effective date of

1 April first of the preceding year, which shall be established prior to  
2 October first of the preceding calendar year. Prior to the submission of  
3 premium rate filings and applications, the superintendent shall provide  
4 insurers with guidance on factors to consider in calculating the impact  
5 of rate changes for the purposes of submitting premium rate filings and  
6 applications to the superintendent for the subsequent policy year. To  
7 the extent that the rates with an effective date of April first differ  
8 from the estimated rates incorporated in premium rate filings and appli-  
9 cations, insurers may account for such differences in future premium  
10 rate filings and applications submitted to the superintendent for  
11 approval.

12 § 4. Subparagraph (J) of paragraph 7 of subsection (1) of section 3221  
13 of the insurance law, as added by section 4 of part AA of chapter 57 of  
14 the laws of 2024, is amended to read as follows:

15 (J) This subparagraph shall apply to facilities in this state that are  
16 licensed, certified, or otherwise authorized by the office of addiction  
17 services and supports for the provision of outpatient, intensive outpa-  
18 tient, outpatient rehabilitation and opioid treatment that are partic-  
19 ipating in the insurer's provider network. Reimbursement for covered  
20 outpatient treatment provided by such facilities shall be at rates nego-  
21 tiated between the insurer and the participating facility, provided that  
22 such rates are not less than the rates that would be paid for such  
23 treatment pursuant to the medical assistance program under title eleven  
24 of article five of the social services law. For the purposes of this  
25 subparagraph, the rates that would be paid for such treatment pursuant  
26 to the medical assistance program under title eleven of article five of  
27 the social services law shall be set forth in a published fee schedule  
28 setting forth the specific fee for each individual service covered by  
29 this subparagraph by the office of addiction services and supports and  
30 shall be the rates with an effective date of April first of the preced-  
31 ing year, which shall be established prior to October first of the  
32 preceding calendar year. Prior to the submission of premium rate filings  
33 and applications, the superintendent shall provide insurers with guid-  
34 ance on factors to consider in calculating the impact of rate changes  
35 for the purposes of submitting premium rate filings and applications to  
36 the superintendent for the subsequent policy year. To the extent that  
37 the rates with an effective date of April first differ from the esti-  
38 mated rates incorporated in premium rate filings and applications,  
39 insurers may account for such differences in future premium rate filings  
40 and applications submitted to the superintendent for approval.

41 § 5. Paragraph 12 of subsection (g) of section 4303 of the insurance  
42 law, as added by section 5 of part AA of chapter 57 of the laws of 2024,  
43 is amended to read as follows:

44 (12) This paragraph shall apply to outpatient treatment provided in a  
45 facility issued an operating certificate by the commissioner of mental  
46 health pursuant to the provisions of article thirty-one of the mental  
47 hygiene law, or in a facility operated by the office of mental health,  
48 or in a crisis stabilization center licensed pursuant to section 36.01  
49 of the mental hygiene law, that is participating in the corporation's  
50 provider network. Reimbursement for covered outpatient treatment  
51 provided by such facility shall be at rates negotiated between the  
52 corporation and the participating facility, provided that such rates are  
53 not less than the rates that would be paid for such treatment pursuant  
54 to the medical assistance program under title eleven of article five of  
55 the social services law. For the purposes of this paragraph, the rates  
56 that would be paid for such treatment pursuant to the medical assistance

1 program under title eleven of article five of the social services law  
2 shall be set forth in a published fee schedule setting forth the specif-  
3 ic fee for each individual service covered by this paragraph by the  
4 office of mental health and shall be the rates with an effective date of  
5 April first of the preceding year, which shall be established prior to  
6 October first of the preceding calendar year. Prior to the submission of  
7 premium rate filings and applications, the superintendent shall provide  
8 corporations with guidance on factors to consider in calculating the  
9 impact of rate changes for the purposes of submitting premium rate  
10 filings and applications to the superintendent for the subsequent policy  
11 year. To the extent that the rates with an effective date of April first  
12 differ from the estimated rates incorporated in premium rate filings and  
13 applications, corporations may account for such differences in future  
14 premium rate filings and applications submitted to the superintendent  
15 for approval.

16 § 6. Paragraph 10 of subsection (1) of section 4303 of the insurance  
17 law, as added by section 6 of part AA of chapter 57 of the laws of 2024,  
18 is amended to read as follows:

19 (10) This paragraph shall apply to facilities in this state that are  
20 licensed, certified, or otherwise authorized by the office of addiction  
21 services and supports for the provision of outpatient, intensive outpa-  
22 tient, outpatient rehabilitation and opioid treatment that are partic-  
23 ipating in the corporation's provider network. Reimbursement for covered  
24 outpatient treatment provided by such facilities shall be at rates nego-  
25 tiated between the corporation and the participating facility, provided  
26 that such rates are not less than the rates that would be paid for such  
27 treatment pursuant to the medical assistance program under title eleven  
28 of article five of the social services law. For the purposes of this  
29 paragraph, the rates that would be paid for such treatment pursuant to  
30 the medical assistance program under title eleven of article five of the  
31 social services law shall be set forth in a published fee schedule  
32 setting forth the specific fee for each individual service covered by  
33 this paragraph by the office of addiction services and supports and  
34 shall be the rates with an effective date of April first of the preced-  
35 ing year, which shall be established prior to October first of the  
36 preceding calendar year. Prior to the submission of premium rate filings  
37 and applications, the superintendent shall provide corporations with  
38 guidance on factors to consider in calculating the impact of rate chang-  
39 es for the purposes of submitting premium rate filings and applications  
40 to the superintendent for the subsequent policy year. To the extent that  
41 the rates with an effective date of April first differ from the esti-  
42 mated rates incorporated in premium rate filings and applications,  
43 corporations may account for such differences in future premium rate  
44 filings and applications submitted to the superintendent for approval.

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