

# STATE OF NEW YORK

329--A

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. JACKSON -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, the public health law and the mental hygiene law, in relation to setting comprehensive outpatient services

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

1 Section 1. This act shall be known and may be cited as the "comprehensive outpatient services act of 2025".

2  
3 § 2. Section 364-m of the social services law is amended by adding two  
4 new subdivisions 6 and 7 to read as follows:

5 6. Comprehensive outpatient services centers. (a) Definitions. For  
6 the purpose of this article, unless the context clearly requires otherwise:  
7

8 (i) "Mental health services" means services otherwise provided by a  
9 mental health clinic licensed under article thirty-one of the mental  
10 hygiene law, for the treatment of mental illness.

11 (ii) "Addiction services" means services shall have the same meaning  
12 as defined in subdivision fifty-five of section 1.03 of the mental  
13 hygiene law otherwise provided by a provider certified under article  
14 thirty-two of the mental hygiene law for the treatment of addiction  
15 disorders.

16 (iii) "Comprehensive outpatient services" means the systematic coordi-  
17 nation of evidence-based health care services, to include the preventa-  
18 tive, diagnostic, therapeutic and rehabilitative care and treatment of  
19 mental illness, addiction and the provision of physical health services,  
20 otherwise provided by a diagnostic and treatment center or general  
21 hospital outpatient program pursuant to article twenty-eight of the  
22 public health law, a mental health clinic licensed pursuant to article

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

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1 thirty-one of the mental hygiene law, or an addiction disorder services  
2 provided by a provider certified pursuant to article thirty-two of the  
3 mental hygiene law to an individual seeking services regardless of their  
4 primary diagnosis or health complaint; provided, however, that the scope  
5 of such services may be restricted pursuant to regulation.

6 (iv) "Comprehensive outpatient services centers" means a facility  
7 licensed in accordance with this section to provide comprehensive outpa-  
8 tient services in order to promote health and better outcomes for the  
9 recipient, particularly for populations at risk.

10 (v) "Medical director" is a physician who is responsible for the  
11 services delivered by the comprehensive outpatient services provider,  
12 for the overall direction of the services provided and the direct super-  
13 vision of medical staff in the delivery of services.

14 (vi) "Physical health services" means services provided by a diagnos-  
15 tic and treatment center or hospital outpatient program under article  
16 twenty-eight of the public health law provided by a physician, or under  
17 the direct supervision of a physician, a nurse practitioner, or midwife  
18 acting within their lawful scope of practice under title eight of the  
19 education law and who is practicing in a primary care specialty.

20 (b) The commissioners of the department of health, the office of  
21 mental health, and the office of addiction services and supports are  
22 authorized to jointly establish a single set of licensing standards and  
23 requirements for the construction, operation, reporting and surveillance  
24 of comprehensive outpatient services centers. Such standards and  
25 requirements shall at minimum be in accordance with standards required  
26 under articles nineteen, twenty-two, thirty-one, thirty-two, or thirty-  
27 three of the mental hygiene law or article twenty-eight of the public  
28 health law which would otherwise apply to patients in facilities oper-  
29 ated, licensed, or certified as applicable, which shall include, but not  
30 be limited to:

31 (i) scope of comprehensive outpatient services;

32 (ii) creation of an efficient application review process for compre-  
33 hensive outpatient services centers;

34 (iii) facilitation of integrated treatment records that comply with  
35 applicable federal and state confidentiality requirements;

36 (iv) optimal use of clinical resources, including the development of a  
37 workforce capable of providing comprehensive care to an individual  
38 utilizing evidence-based approaches to integrated treatment provided  
39 that the workforce acts within their lawful scope of practice under  
40 title eight of the education law;

41 (v) development of billing and reimbursement structures to enable the  
42 provision of comprehensive services to individuals regardless of their  
43 primary diagnosis or healthcare complaint;

44 (vi) reasonable physical plant standards to foster proper care and  
45 treatment;

46 (vii) standards for incident reporting and remediation pursuant to  
47 article eleven of the social services law;

48 (viii) standards for adverse event reporting in accordance with  
49 section twenty-eight hundred five-1 of the public health law, provided  
50 however that any such adverse event reports shall be kept confidential  
51 and shall not be subject to disclosure under article six of the public  
52 officers law or article thirty-one of the civil practice law and rules;  
53 and

54 (ix) the following additional standards, provided that such standards  
55 shall, at a minimum, provide the same level of protection to patients as  
56 the same standards required by articles nineteen, twenty-two, thirty-

one, thirty-two, or thirty-three of the mental hygiene law or article twenty-eight of the public health law would otherwise apply to patients in facilities operated, licensed, or certified under article thirty-one or thirty-two of the mental hygiene law, or article twenty-eight of the public health law, provided however, that nothing herein shall require that any of these standards would not otherwise apply under any other provision of law:

- (1) patient rights;
- (2) mandatory reporting of child abuse and maltreatment;
- (3) reporting of crimes alleged to have occurred against patients;
- (4) consent to treatment;
- (5) confidentiality of, access to, and sealing of treatment records;
- (6) incident notification to parents or guardians of patients; and
- (7) any additional standards deemed necessary by the commissioners to ensure the rights and safety of patients are met.

(c) No provider shall provide comprehensive outpatient services unless they have sufficiently demonstrated, consistent with the standards and requirements set forth by the commissioners:

- (i) experience in the delivery of physical, mental health, and addiction services;
- (ii) capacity to offer comprehensive outpatient services in each comprehensive outpatient services center licensed by each of the commissioners of the department of health, the office of mental health, and the office of addiction services and supports; and
- (iii) compliance with standards established under this section for providing and receiving payment for comprehensive outpatient services.

(d) Notwithstanding any provision of law to the contrary, for the purposes of this subdivision, comprehensive outpatient service providers shall be considered contracted, licensed, approved or otherwise authorized by the office of addiction services and supports and the office of mental health for the purpose of sections 19.20, 19.20-a, and 31.35 of the mental hygiene law, as may be applicable. Providers shall be required to comply with the review of criminal history information, as required in such sections, for prospective employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider.

(e) The commissioners of the department of health, the office of mental health, and the office of addiction services and supports are authorized to promulgate any regulatory requirements necessary to implement comprehensive outpatient services centers consistent with this section.

7. Notwithstanding any provision of law to the contrary, exemptions in the education law that authorize unlicensed persons to provide services that otherwise require professional licensure pursuant to title eight of the education law, shall not apply to any services provided pursuant to this section.

§ 3. Subdivision 4 of section 488 of the social services law is amended by adding a new paragraph (a-1) to read as follows:

(a-1) a comprehensive outpatient services center which is licensed, or certified by section three hundred sixty-four-m of this chapter, provided however that such term shall not include the provision of physical health services rendered in such facility or program;

§ 4. Subdivision 1 of section 2801 of the public health law, as amended by section 2 of part E of chapter 57 of the laws of 2023, is amended to read as follows:

1 1. "Hospital" means a facility or institution engaged principally in  
2 providing services by or under the supervision of a physician or, in the  
3 case of a dental clinic or dental dispensary, of a dentist, or, in the  
4 case of a midwifery birth center, of a midwife, for the prevention,  
5 diagnosis or treatment of human disease, pain, injury, deformity or  
6 physical condition, including, but not limited to, a general hospital,  
7 public health center, diagnostic center, treatment center, a rural emer-  
8 gency hospital under 42 USC 1395x(kkk), or successor provisions, dental  
9 clinic, dental dispensary, rehabilitation center other than a facility  
10 used solely for vocational rehabilitation, nursing home, tuberculosis  
11 hospital, chronic disease hospital, maternity hospital, midwifery birth  
12 center, lying-in-asylum, out-patient department, out-patient lodge,  
13 dispensary and a laboratory or central service facility serving one or  
14 more such institutions, but the term hospital shall not include an  
15 institution, sanitarium or other facility engaged principally in provid-  
16 ing services for the prevention, diagnosis or treatment of mental disa-  
17 bility and which is subject to the powers of visitation, examination,  
18 inspection and investigation of the department of mental hygiene except  
19 for those distinct parts of such a facility which provide hospital  
20 service. The provisions of this article shall not apply to a facility or  
21 institution engaged principally in providing services by or under the  
22 supervision of the bona fide members and adherents of a recognized reli-  
23 gious organization whose teachings include reliance on spiritual means  
24 through prayer alone for healing in the practice of the religion of such  
25 organization and where services are provided in accordance with those  
26 teachings. No provision of this article [~~or any other provision of law~~]  
27 shall be construed to[~~+(a)~~] limit the volume of primary care services  
28 that can be provided by comprehensive outpatient services centers, as  
29 defined in section three hundred sixty-four-m of the social services  
30 law. No provision of this article or any other provision of law shall  
31 be constructed to: (a) limit the volume of mental health, substance use  
32 disorder services or developmental disability services that can be  
33 provided by a provider of primary care services licensed under this  
34 article and authorized to provide integrated services in accordance with  
35 regulations issued by the commissioner in consultation with the commis-  
36 sioner of the office of mental health, the commissioner of the office of  
37 [~~alcoholism and substance abuse services~~] addiction services and  
38 supports and the commissioner of the office for people with develop-  
39 mental disabilities, including regulations issued pursuant to subdivi-  
40 sion seven of section three hundred sixty-five-1 of the social services  
41 law or part L of chapter fifty-six of the laws of two thousand twelve;  
42 (b) require a provider licensed pursuant to article thirty-one of the  
43 mental hygiene law or certified pursuant to article sixteen or article  
44 thirty-two of the mental hygiene law to obtain an operating certificate  
45 from the department if such provider has been authorized to provide  
46 integrated services in accordance with regulations issued by the commis-  
47 sioner in consultation with the commissioner of the office of mental  
48 health, the commissioner of the office of [~~alcoholism and substance~~  
49 ~~abuse services~~] addiction services and supports and the commissioner of  
50 the office for people with developmental disabilities, including regu-  
51 lations issued pursuant to subdivision seven of section three hundred  
52 sixty-five-1 of the social services law or part L of chapter fifty-six  
53 of the laws of two thousand twelve; or (c) require a provider licensed  
54 under subdivision six of section three hundred sixty-four-m of this  
55 chapter to obtain a license from the department.

1 § 5. The opening paragraph of subdivision (a) and subdivision (f) of  
2 section 31.02 of the mental hygiene law, the opening paragraph of subdivi-  
3 sion (a) as amended by chapter 804 of the laws of 1975 and as renum-  
4 bered by chapter 978 of the laws of 1977, and subdivision (f) as amended  
5 by section 2 of part Z of chapter 57 of the laws of 2019, are amended to  
6 read as follows:

7 Except as provided in [~~subdivision~~] subdivisions (b) and (f) of this  
8 section no provider of services shall engage in any of the following  
9 activities without an operating certificate issued by the commissioner  
10 pursuant to this article:

11 (f) No provision of this article or any other provision of law shall  
12 be construed to: (i) require a provider licensed pursuant to article  
13 twenty-eight of the public health law or certified pursuant to article  
14 sixteen or article thirty-two of this chapter to obtain an operating  
15 certificate from the office of mental health if such provider has been  
16 authorized to provide integrated services in accordance with regulations  
17 issued by the commissioner of the office of mental health in consulta-  
18 tion with the commissioner of the department of health, the commissioner  
19 of the office of [~~alcoholism and substance abuse services~~] addiction  
20 services and supports and the commissioner of the office for people with  
21 developmental disabilities, including regulations issued pursuant to  
22 subdivision seven of section three hundred sixty-five-1 of the social  
23 services law or part L of chapter fifty-six of the laws of two thousand  
24 twelve; or (ii) require a provider licensed under subdivision six of  
25 section three hundred sixty-four-m of the social services law to obtain  
26 a license from the office of mental health.

27 § 6. Subdivision (b) of section 32.05 of the mental hygiene law, as  
28 amended by section 3 of part Z of chapter 57 of the laws of 2019, is  
29 amended to read as follows:

30 (b) (i) Methadone, or such other controlled substance designated by  
31 the commissioner of health as appropriate for such use, may be adminis-  
32 tered to an addict, as defined in section thirty-three hundred two of  
33 the public health law, by individual physicians, groups of physicians  
34 and public or private medical facilities certified pursuant to article  
35 twenty-eight or thirty-three of the public health law as part of a chem-  
36 ical dependence program which has been issued an operating certificate  
37 by the commissioner pursuant to subdivision (b) of section 32.09 of this  
38 article, provided, however, that such administration must be done in  
39 accordance with all applicable federal and state laws and regulations.  
40 Individual physicians or groups of physicians who have obtained authori-  
41 zation from the federal government to administer buprenorphine to  
42 addicts may do so without obtaining an operating certificate from the  
43 commissioner. (ii) No provision of this article or any other provision  
44 of law shall be construed to: (A) require a provider licensed pursuant  
45 to article twenty-eight of the public health law, article thirty-one of  
46 this [~~chapter~~] title or a provider certified pursuant to article sixteen  
47 of this chapter to obtain an operating certificate from the office of  
48 [~~alcoholism and substance abuse services~~] addiction services and  
49 supports if such provider has been authorized to provide integrated  
50 services in accordance with regulations issued by the commissioner of  
51 [~~alcoholism and substance abuse services~~] addiction services and  
52 supports in consultation with the commissioner of the department of  
53 health, the commissioner of the office of mental health and the commis-  
54 sioner of the office for people with developmental disabilities, includ-  
55 ing regulations issued pursuant to subdivision seven of section three  
56 hundred sixty-five-1 of the social services law or part L of chapter

1 fifty-six of the laws of two thousand twelve; or (B) require a provider  
2 licensed under subdivision six of section three hundred sixty-four-m of  
3 the social services law to obtain an operating certificate from the  
4 office of addiction services and supports.

5 § 7. This act shall take effect April 1, 2026; provided, however, that  
6 the amendments to section 364-m of the social services law made by  
7 section two of this act shall not affect the repeal of such section and  
8 shall be deemed repealed therewith. Effective immediately, the commis-  
9 sioner of the department of health, the commissioner of the office of  
10 mental health and the commissioner of the office of addiction services  
11 and supports are authorized to issue any rule or regulation necessary  
12 for the implementation of this act on or before its effective date.