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IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. JACKSON, SANTABARBARA, CHANDLER-WATERMAN -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Mental Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 36.08 to read as follows:

3 § 36.08 Integrated behavioral health services.

4 (a) For the purpose of this section "integrated behavioral health
5 services" means the systematic coordination of evidence-based health
6 care services, to include the preventative, diagnostic, therapeutic and
7 rehabilitative care and treatment of mental illness, addiction and the
8 provision of physical health services, otherwise provided by a mental
9 health program licensed pursuant to article thirty-one of this title, or
10 addiction disorder services provided by a provider certified pursuant to
11 article thirty-two of this title to any individual, including children
12 and youth, seeking services regardless of their primary diagnosis;
13 provided, however, that the scope of such services may be restricted
14 pursuant to regulation.

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

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1 (b) (i) The commissioners of the office of mental health and the
2 office of addiction services and supports are authorized to jointly
3 establish a single license and set of regulations, standards and
4 requirements for the construction, operation, reporting and oversight of
5 integrated behavioral health services. Such regulations, standards, and
6 requirements shall include, but not be limited to:

7 (A) scope of integrated behavioral health services;

8 (B) a joint application review process for integrated behavioral
9 health services;

10 (C) facilitation of integrated treatment records that comply with
11 applicable federal and state confidentiality requirements;

12 (D) staffing standards and qualifications for integrated behavioral
13 health services consistent with applicable scope of practice require-
14 ments under title eight of the education law;

15 (E) development of billing and reimbursement structures to enable the
16 provision of integrated behavioral health services to individuals
17 regardless of their primary diagnosis or healthcare complaint, provided
18 however, that reimbursement for integrated behavioral health services
19 shall not be less than the applicable reimbursement pursuant to the
20 ambulatory patient group methodology for the same or similar services
21 when provided by a program licensed pursuant to article thirty-one or
22 certified pursuant to article thirty-two of this title;

23 (F) physical plant standards;

24 (G) standards for incident reporting and remediation pursuant to arti-
25 cle eleven of the social services law;

26 (H) patient protections and related safeguards including:

27 (1) patient rights;

28 (2) mandatory reporting of child abuse and maltreatment;

29 (3) reporting of crimes alleged to have occurred against patients;

30 (4) consent to treatment;

31 (5) confidentiality of, access to, and sealing of treatment records;

32 (6) incident notification to parents or guardians of patients; and

33 (7) any additional standards deemed necessary by the commissioners to
34 ensure the rights and safety of patients are met;

35 (I) corporate structure and governance;

36 (J) the suspension, revocation, or limitation of a license issued
37 pursuant to this section; and

38 (K) utilization review.

39 (ii) The regulations, standards and requirements for integrated behav-
40 ioral health services shall, to the extent possible, be in accordance
41 with standards required under article nineteen, twenty-two, thirty-one,
42 thirty-two, and thirty-three of this chapter which would otherwise apply
43 to patients in facilities operated, licensed, or certified as applica-
44 ble. The commissioners shall be authorized to resolve inconsistencies or
45 conflicts among such regulations, standards, or requirements by regu-
46 lation.

47 (c) No provider shall be licensed to provide integrated behavioral
48 health services unless they have sufficiently demonstrated, consistent
49 with the standards and requirements set forth by the commissioners,
50 experience in the delivery of mental health and addiction services.

51 § 2. Section 36.06 of the mental hygiene law is amended by adding two
52 new subdivisions (c) and (d) to read as follows:

53 (c) Providers licensed pursuant to this article shall be considered
54 contracted, licensed, approved or otherwise authorized by the office of
55 addiction services and supports and the office of mental health for the
56 purpose of sections 19.20, 19.20-a, and 31.35 of this chapter, 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.

(d) The office of addiction services and supports and the office of mental health, in consultation with the justice center for the protection of people with special needs, shall jointly promulgate regulations establishing the process by which a provider shall comply with 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) an integrated behavioral health services program licensed under section 36.08 of the mental hygiene law;

§ 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. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, or, in the case of a midwifery birth center, of a midwife, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, a rural emergency hospital under 42 USC 1395x(kkk), or successor provisions, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, midwifery birth center, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, but the term hospital shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those teachings. No provision of this article [~~or any other provision of law~~] shall be construed to[~~-(a)~~] limit the volume of primary care services that can be provided by a program licensed to provide integrated behavioral health services, as defined in section 36.08 of the mental hygiene law. No provision of this article or any other provision of law shall be construed to: (a) limit the volume of mental health, substance use disorder services or developmental disability services that can be provided by a provider of primary care services licensed under this article and authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of [~~alcoholism and substance abuse services~~] addiction services and supports and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivi-

1 sion seven of section three hundred sixty-five-1 of the social services
2 law or part L of chapter fifty-six of the laws of two thousand twelve;
3 (b) require a provider licensed pursuant to article thirty-one of the
4 mental hygiene law or certified pursuant to article sixteen or article
5 thirty-two of the mental hygiene law to obtain an operating certificate
6 from the department if such provider has been authorized to provide
7 integrated services in accordance with regulations issued by the commis-
8 sioner in consultation with the commissioner of the office of mental
9 health, the commissioner of the office of [~~alcoholism and substance~~
10 ~~abuse services~~] addiction services and supports and the commissioner of
11 the office for people with developmental disabilities, including regu-
12 lations issued pursuant to subdivision seven of section three hundred
13 sixty-five-1 of the social services law or part L of chapter fifty-six
14 of the laws of two thousand twelve; or (c) require a provider licensed
15 under section 36.08 of the mental hygiene law to obtain a license from
16 the department.

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

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

27 (f) No provision of this article or any other provision of law shall
28 be construed to: (i) require a provider licensed pursuant to article
29 twenty-eight of the public health law or certified pursuant to article
30 sixteen or article thirty-two of this chapter to obtain an operating
31 certificate from the office of mental health if such provider has been
32 authorized to provide integrated services in accordance with regulations
33 issued by the commissioner of the office of mental health in consulta-
34 tion with the commissioner of the department of health, the commissioner
35 of the office of [~~alcoholism and substance abuse services~~] addiction
36 services and supports and the commissioner of the office for people with
37 developmental disabilities, including regulations issued pursuant to
38 subdivision seven of section three hundred sixty-five-1 of the social
39 services law or part L of chapter fifty-six of the laws of two thousand
40 twelve; or (ii) require a provider licensed under section 36.08 of this
41 title to obtain a license from the office of mental health. Further-
42 more, no provision of this article or any other provision of law shall
43 be construed to limit the volume of mental health services by a program
44 licensed to provide integrated behavioral health services, as defined in
45 section 36.08 of this title.

46 § 6. Subdivision (b) of section 32.05 of the mental hygiene law, as
47 amended by section 3 of part Z of chapter 57 of the laws of 2019 and
48 paragraph (i) as amended by chapter 511 of the laws of 2025, is amended
49 to read as follows:

50 (b) (i) Methadone, or such other controlled substance designated by
51 the commissioner of health as appropriate for such use, may be adminis-
52 tered to a person with substance use disorder, as defined in section
53 thirty-three hundred two of the public health law, by individual physi-
54 cians, groups of physicians and public or private medical facilities
55 certified pursuant to article twenty-eight or thirty-three of the public
56 health law as part of a chemical dependence program which has been

1 issued an operating certificate by the commissioner pursuant to subdivi-
2 sion (b) of section 32.09 of this article, provided, however, that such
3 administration must be done in accordance with all applicable federal
4 and state laws and regulations. Individual physicians or groups of
5 physicians who have obtained authorization from the federal government
6 to administer buprenorphine to people with substance use disorder may do
7 so without obtaining an operating certificate from the commissioner.
8 (ii) No provision of this article or any other provision of law shall be
9 construed to: (A) require a provider licensed pursuant to article twenty-
10 eight of the public health law, article thirty-one of this [chapter]
11 title or a provider certified pursuant to article sixteen of this chap-
12 ter to obtain an operating certificate from the office of [alcoholism
13 and substance abuse] addiction services and supports if such provider
14 has been authorized to provide integrated services in accordance with
15 regulations issued by the commissioner of [alcoholism and substance
16 abuse] addiction services and supports in consultation with the commis-
17 sioner of the department of health, the commissioner of the office of
18 mental health and the commissioner of the office for people with devel-
19 opmental disabilities, including regulations issued pursuant to subdivi-
20 sion seven of section three hundred sixty-five-1 of the social services
21 law or part L of chapter fifty-six of the laws of two thousand
22 twelve[-]; or (B) require a provider licensed under section 36.08 of
23 this title to obtain an operating certificate from the office of
24 addiction services and supports. Furthermore, no provision of this arti-
25 cle or any other provision of law shall be construed to limit the volume
26 of addiction services by a program licensed to provide integrated behav-
27 ioral health services, as defined in section 36.08 of this title.

28 § 7. Subdivisions (a) and (b) of section 43.02 of the mental hygiene
29 law, as amended by section 3 of part 00 of chapter 58 of the laws of
30 2015, are amended to read as follows:

31 (a) Notwithstanding any inconsistent provision of law, payment made by
32 government agencies pursuant to title eleven of article five of the
33 social services law for services provided by any facility licensed by
34 the office of mental health pursuant to article thirty-one of this chap-
35 ter [~~or~~], certified by the office of [~~alcoholism and substance abuse~~
36 ~~services~~] addiction services and supports pursuant to this chapter to
37 provide inpatient chemical dependence services, as defined in section
38 1.03 of this chapter, or facilities jointly licensed by the office of
39 mental health and the office of addiction services and supports pursuant
40 to article thirty-six of this title, shall be at rates or fees certified
41 by the commissioner of the respective office or offices and approved by
42 the director of the division of the budget, provided, however, the
43 commissioner of mental health shall annually certify such rates or fees
44 which may vary for distinct geographical areas of the state and,
45 provided, further, that rates or fees for service for inpatient psychi-
46 atric services or inpatient chemical dependence services, at hospitals
47 otherwise licensed pursuant to article twenty-eight of the public health
48 law shall be established in accordance with section [~~two thousand eight~~
49 ~~twenty-eight~~] hundred seven of the public health law and, provided,
50 further, that rates or fees for services provided by any facility or
51 program licensed, operated or approved by the office for people with
52 developmental disabilities, shall be certified by the commissioner of
53 health; provided, however, that such methodologies shall be subject to
54 approval by the office for people with developmental disabilities and
55 shall take into account the policies and goals of such office.

1 (b) Operators of facilities licensed by the office of mental health
2 pursuant to article thirty-one of this chapter, licensed by the office
3 for people with developmental disabilities pursuant to article sixteen
4 of this chapter [~~or~~], certified by the office of [~~alcoholism and~~
5 ~~substance abuse~~] addiction services and supports pursuant to this chap-
6 ter to provide inpatient chemical dependence services, or facilities
7 jointly licensed by the office of mental health and the office of
8 addiction services and supports pursuant to article thirty-six of this
9 title, shall provide to the commissioner of the respective office such
10 financial, statistical and program information as the commissioner may
11 determine to be necessary. The commissioner of the appropriate office or
12 offices shall have the power to conduct on-site audits of books and
13 records of such facilities.

14 § 8. This act shall take effect on the date that the rates of
15 reimbursement for integrated behavioral health services are approved and
16 certified by the office of mental health and the office of addiction
17 services and supports pursuant to subparagraph (E) of paragraph (i) of
18 subdivision (b) of section 36.08 of the mental hygiene law as added by
19 section one of this act or the regulations issued in accordance with
20 subdivision (d) of section 36.06 of the mental hygiene law as added by
21 section two of this act become effective, whichever is later; provided
22 that the office of mental health shall notify the legislative bill
23 drafting commission upon the occurrence of the enactment of rates of
24 reimbursement for integrated behavioral services or such regulations
25 become effective as provided for in section one of this act in order
26 that the commission may maintain an accurate and timely effective data
27 base of the official text of the laws of the state of New York in furth-
28 erance of effectuating the provisions of section 44 of the legislative
29 law and section 70-b of the public officers law. Effective immediately,
30 the commissioner of the office of mental health and the commissioner of
31 the office of addiction services and supports are authorized to issue
32 any rule or regulation necessary for the implementation of this act on
33 or before its effective date.