

STATE OF NEW YORK

7038--A

Cal. No. 96

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. WEPRIN, SANTABARBARA -- read once and referred to the Committee on Insurance -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 fee schedule setting
17 forth the specific fee for each individual service covered by this
18 subparagraph published by the office of addiction services and supports
19 by November first of the preceding calendar year and shall be the rates
20 with an effective date of April first of the preceding year, which shall
21 be established prior to October first of the preceding calendar year.
22 Prior to the submission of premium rate filings and applications, the

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

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1 superintendent shall provide insurers with guidance on factors to
2 consider in calculating the impact of rate changes for the purposes of
3 submitting premium rate filings and applications to the superintendent
4 for the subsequent policy year. To the extent that the rates with an
5 effective date of April first differ from the estimated rates incorpo-
6 rated in premium rate filings and applications, insurers may account for
7 such differences in future premium rate filings and applications submit-
8 ted to the superintendent for approval.

9 § 2. Subparagraph (K) of paragraph 35 of subsection (i) of section
10 3216 of the insurance law, as added by section 2 of part AA of chapter
11 57 of the laws of 2024, is amended to read as follows:

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

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

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

1 shall be set forth in a fee schedule setting forth the specific fee for
2 each individual service covered by this subparagraph published by the
3 office of mental health by November first of the preceding calendar year
4 and shall be the rates with an effective date of April first of the
5 preceding year, which shall be established prior to October first of the
6 preceding calendar year. Prior to the submission of premium rate filings
7 and applications, the superintendent shall provide insurers with guid-
8 ance on factors to consider in calculating the impact of rate changes
9 for the purposes of submitting premium rate filings and applications to
10 the superintendent for the subsequent policy year. To the extent that
11 the rates with an effective date of April first differ from the esti-
12 mated rates incorporated in premium rate filings and applications,
13 insurers may account for such differences in future premium rate filings
14 and applications submitted to the superintendent for approval.

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

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

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

48 (12) This paragraph shall apply to outpatient treatment provided in a
49 facility issued an operating certificate by the commissioner of mental
50 health pursuant to the provisions of article thirty-one of the mental
51 hygiene law, or in a facility operated by the office of mental health,
52 or in a crisis stabilization center licensed pursuant to section 36.01
53 of the mental hygiene law, that is participating in the corporation's
54 provider network. Reimbursement for covered outpatient treatment
55 provided by such facility shall be at rates negotiated between the
56 corporation and the participating facility, provided that such rates are

1 not less than the rates that would be paid for such treatment pursuant
2 to the medical assistance program under title eleven of article five of
3 the social services law. For the purposes of this paragraph, the rates
4 that would be paid for such treatment pursuant to the medical assistance
5 program under title eleven of article five of the social services law
6 shall be set forth in a fee schedule setting forth the specific fee for
7 each individual service covered by this paragraph published by the
8 office of mental health by November first of the preceding calendar year
9 and shall be the rates with an effective date of April first of the
10 preceding year, which shall be established prior to October first of the
11 preceding calendar year. Prior to the submission of premium rate filings
12 and applications, the superintendent shall provide corporations with
13 guidance on factors to consider in calculating the impact of rate chang-
14 es for the purposes of submitting premium rate filings and applications
15 to the superintendent for the subsequent policy year. To the extent that
16 the rates with an effective date of April first differ from the esti-
17 mated rates incorporated in premium rate filings and applications,
18 corporations may account for such differences in future premium rate
19 filings and applications submitted to the superintendent for approval.

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

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

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