STATE OF NEW YORK

5114

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

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

AN ACT to amend the insurance law, in relation to requiring insurance coverage for child and family treatment and support services and children's home and community based services

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

Section 1. Item (i) of subparagraph (A) of paragraph 35 of subsection (i) of section 3216 of the insurance law, as amended by section 1 of subpart A of part II of chapter 57 of the laws of 2023, is amended to read as follows:

(i) where the policy provides coverage for inpatient hospital care, such policy shall include benefits for: inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law; sub-acute care in a residential facility licensed or operated by the office of mental health; outpatient care provided by a facility issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law or by a facility operated by the office of mental health; outpatient care provided by a crisis stabilization center licensed pursuant to section 36.01 of the mental hygiene law; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law;

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

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child and family treatment and support services; children's home and community based services; or, for care provided in other states, to similarly licensed or certified hospitals, facilities, or licensed, certified or designated providers; and

§ 2. Item (i) of subparagraph (A) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by section 5 of subpart A of part II of chapter 57 of the laws of 2023, is amended to read as follows:

(i) where the policy provides coverage for inpatient hospital care, benefits for: inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law; sub-acute care in a residential facility licensed or operated by the office of mental health; outpatient care provided by a facility issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, or by a facility operated by the office of mental health; outpatient care provided by a crisis stabilization center licensed pursuant to section 36.01 of the mental hygiene law; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law; **child and family treatment and support services; children's home and community based services;** or, for care provided in other states, to similarly licensed or certified hospitals, facilities, or licensed, certified or designated providers; and

§ 3. Paragraph 1 of subsection (g) of section 4303 of the insurance law, as amended by section 9 of subpart A of part II of chapter 57 of the laws of 2023, is amended to read as follows:

(1) where the contract provides coverage for inpatient hospital care, benefits for: in-patient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law; sub-acute care in a residential facility licensed or operated by the office of mental health; outpatient care provided by a facility issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law or by a facility operated by the office of mental health; outpatient care provided by a crisis stabilization center licensed pursuant to section 36.01 of the mental hygiene law; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law; **child and family treatment and support services; children's home and community**

based services; or for care provided in other states, to similarly licensed or certified hospitals, facilities, or licensed, certified or designated providers; and

§ 4. This act shall take effect January 1, 2026 and shall apply to policies and contracts issued, renewed, amended, modified or altered on or after such date; provided, however, that:

(a) if section 1 of subpart A of part II of chapter 57 of the laws of 2023 shall not have taken effect on or before such date, then section one of this act shall take effect on the same date and in the same manner as such section of such subpart of such part of such chapter of the laws of 2023, takes effect;

(b) if section 5 of subpart A of part II of chapter 57 of the laws of 2023 shall not have taken effect on or before such date, then section two of this act shall take effect on the same date and in the same manner as such section of such subpart of such part of such chapter of the laws of 2023, takes effect; and

(c) if section 9 of subpart A of part II of chapter 57 of the laws of 2023 shall not have taken effect on or before such date, then section three of this act shall take effect on the same date and in the same manner as such section of such subpart of such part of such chapter of the laws of 2023, takes effect.