

STATE OF NEW YORK

1001

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. BROUK, FERNANDEZ, PARKER, RIVERA, SKOUFIS, WEBB --
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 including outpatient
care provided by creative arts therapists in certain insurance poli-
cies

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

1 Section 1. Item (ii) of subparagraph (A) of paragraph 35 of subsection
2 (i) of section 3216 of the insurance law, as amended by chapter 62 of
3 the laws of 2023, is amended to read as follows:

4 (ii) where the policy provides coverage for physician services, such
5 policy shall include benefits for outpatient care provided by a psychia-
6 trist or psychologist licensed to practice in this state, a licensed
7 clinical social worker within the lawful scope of [~~his or her~~] such
8 licensed clinical social worker's practice, who is licensed pursuant to
9 article one hundred fifty-four of the education law, a mental health
10 counselor, marriage and family therapist, creative arts therapist, or
11 psychoanalyst licensed pursuant to article one hundred sixty-three of
12 the education law, a nurse practitioner licensed to practice in this
13 state, or a professional corporation or university faculty practice
14 corporation thereof. Nothing herein shall be construed to modify or
15 expand the scope of practice of a mental health counselor, marriage and
16 family therapist, creative arts therapist, or psychoanalyst licensed
17 pursuant to article one hundred sixty-three of the education law.
18 Further, nothing herein shall be construed to create a new mandated
19 health benefit.

20 § 2. Subparagraph (A) of paragraph 4 of subsection (l) of section 3221
21 of the insurance law, as amended by chapter 62 of the laws of 2023, is
22 amended to read as follows:

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

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(A) Every insurer delivering a group policy or issuing a group policy for delivery, in this state, that provides reimbursement for psychiatric or psychological services or for the diagnosis and treatment of mental health conditions, however defined in such policy, by physicians, psychiatrists or psychologists, shall provide the same coverage to insureds for such services when performed by a licensed clinical social worker, within the lawful scope of ~~[his or her]~~ such licensed clinical social worker's practice, who is licensed pursuant to article one hundred fifty-four of the education law and mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts licensed pursuant to article one hundred sixty-three of the education law, within the lawful scope of ~~[his or her]~~ such mental health counselor's, marriage and/or family therapist's, creative arts therapist's, or psychoanalyst's practice. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(ii) where the policy provides coverage for physician services, it shall include benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or a mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, or a licensed clinical social worker within the lawful scope of ~~[his or her]~~ such licensed clinical social worker's practice, who is licensed pursuant to article one hundred fifty-four of the education law, a nurse practitioner licensed to practice in this state, or a professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 4. Paragraph 2 of subsection (g) of section 4303 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(2) where the contract provides coverage for physician services such contract shall provide benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or a mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, or a licensed clinical social worker within the lawful scope of ~~[his or her]~~ such licensed clinical social worker's practice, who is licensed pursuant to article one hundred fifty-four of the education law, a nurse practitioner licensed to practice in this state, or professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, creative arts therapist, or psychoanalyst licensed pursuant to article one hundred sixty-three of the education

1 law. Further, nothing herein shall be construed to create a new mandated
2 health benefit.

3 § 5. Subsection (n) of section 4303 of the insurance law, as amended
4 by chapter 62 of the laws of 2023, is amended to read as follows:

5 (n) Every health service or medical expense indemnity corporation
6 issuing a group contract pursuant to this section or a group remittance
7 contract for delivery in this state which contract provides reimburse-
8 ment to subscribers or physicians, psychiatrists or psychologists for
9 psychiatric or psychological services or for the diagnosis and treatment
10 of mental health conditions, however defined in such contract, must
11 provide the same coverage to persons covered under the group contract
12 for such services when performed by a licensed clinical social worker,
13 within the lawful scope of [~~his or her~~] such licensed clinical social
14 worker's practice, who is licensed pursuant to article one hundred
15 fifty-four of the education law and a mental health counselor, marriage
16 and family therapist, creative arts therapist, or psychoanalyst licensed
17 pursuant to article one hundred sixty-three of the education law. Noth-
18 ing herein shall be construed to modify or expand the scope of practice
19 of a mental health counselor, marriage and family therapist, creative
20 arts therapist, or psychoanalyst licensed pursuant to article one
21 hundred sixty-three of the education law. Further, nothing herein shall
22 be construed to create a new mandated health benefit. The state board
23 for social work shall maintain a list of all licensed clinical social
24 workers qualified for reimbursement under this subsection. The state
25 board for mental health practitioners shall maintain a list of all
26 licensed mental health counselors, marriage and family therapists, crea-
27 tive arts therapists, or psychoanalysts qualified for reimbursement
28 under this subsection.

29 § 6. This act shall take effect immediately and shall apply to all
30 policies and contracts issued, renewed, modified, altered or amended on
31 or after such effective date.