

STATE OF NEW YORK

3051--A

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sens. HARCKHAM, FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, the public health law and the social services 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. The mental hygiene law is amended by adding a new section
2 36.08 to read as follows:

3 § 36.08 Comprehensive outpatient services.

4 (a) Definitions. For the purpose of this article, unless the context
5 clearly requires otherwise:

6 (i) "Mental health services" means services otherwise provided by a
7 mental health clinic licensed under article thirty-one of this title,
8 for the treatment of mental illness.

9 (ii) "Addiction services" means services shall have the same meaning
10 as defined in subdivision fifty-five of section 1.03 of this chapter
11 otherwise provided by a provider certified under article thirty-two of
12 this title for the treatment of addiction disorders.

13 (iii) "Comprehensive outpatient services" means the systematic coordi-
14 nation of evidence-based health care services, to include the preventa-
15 tive, diagnostic, therapeutic and rehabilitative care and treatment of
16 mental illness, addiction and the provision of physical health services,
17 otherwise provided by a mental health clinic licensed pursuant to arti-
18 cle thirty-one of this title, or addiction disorder services provided by
19 a provider certified pursuant to article thirty-two of this title to any
20 individual, including children and youth, seeking services regardless of

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

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1 their primary diagnosis; provided, however, that the scope of such
2 services may be restricted pursuant to regulation.

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

7 (b) The commissioners of the office of mental health and the office of
8 addiction services and supports are authorized to jointly establish a
9 single set of licensing standards and requirements for the construction,
10 operation, reporting and surveillance of comprehensive outpatient
11 services centers. Such standards and requirements shall at minimum be in
12 accordance with standards required under article nineteen, twenty-two,
13 thirty-one, thirty-two, or thirty-three of this chapter which would
14 otherwise apply to patients in facilities operated, licensed, or certi-
15 fied as applicable, which shall include, but not be limited to:

16 (i) scope of comprehensive outpatient services;

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

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

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

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

29 (vi) reasonable physical plant standards to foster proper care and
30 treatment;

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

33 (viii) the following additional standards, provided that such stand-
34 ards shall, at a minimum, provide the same level of protection to
35 patients as the same standards required by article nineteen, twenty-two,
36 thirty-one, thirty-two, or thirty-three of this chapter would otherwise
37 apply to patients in facilities operated, licensed, or certified under
38 article thirty-one or thirty-two of this title, provided however, that
39 nothing herein shall require that any of these standards would not
40 otherwise apply under any other provision of law:

41 (1) patient rights;

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

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

44 (4) consent to treatment;

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

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

47 (7) any additional standards deemed necessary by the commissioners to
48 ensure the rights and safety of patients are met.

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

52 (i) experience in the delivery of mental health and addiction
53 services;

54 (ii) capacity to offer comprehensive outpatient services in each
55 comprehensive outpatient services center jointly licensed by the commis-

1 sioners of the office of mental health and the office of addiction
2 services and supports; and

3 (iii) compliance with standards established under this section for
4 providing and receiving payment for comprehensive outpatient services.

5 (d) Comprehensive outpatient service providers shall be considered
6 contracted, licensed, approved or otherwise authorized by the office of
7 addiction services and supports and the office of mental health for the
8 purpose of sections 19.20, 19.20-a, and 31.35 of this chapter, as may be
9 applicable. Providers shall be required to comply with the review of
10 criminal history information, as required in such sections, for prospec-
11 tive employees or volunteers who will have regular and substantial un-
12 restricted or unrestricted physical contact with the clients of such
13 provider.

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

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

20 (a-1) a comprehensive outpatient services center which is licensed
21 under section 36.08 of the mental hygiene law;

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

25 1. "Hospital" means a facility or institution engaged principally in
26 providing services by or under the supervision of a physician or, in the
27 case of a dental clinic or dental dispensary, of a dentist, or, in the
28 case of a midwifery birth center, of a midwife, for the prevention,
29 diagnosis or treatment of human disease, pain, injury, deformity or
30 physical condition, including, but not limited to, a general hospital,
31 public health center, diagnostic center, treatment center, a rural emer-
32 gency hospital under 42 USC 1395x(kkk), or successor provisions, dental
33 clinic, dental dispensary, rehabilitation center other than a facility
34 used solely for vocational rehabilitation, nursing home, tuberculosis
35 hospital, chronic disease hospital, maternity hospital, midwifery birth
36 center, lying-in-asylum, out-patient department, out-patient lodge,
37 dispensary and a laboratory or central service facility serving one or
38 more such institutions, but the term hospital shall not include an
39 institution, sanitarium or other facility engaged principally in provid-
40 ing services for the prevention, diagnosis or treatment of mental disa-
41 bility and which is subject to the powers of visitation, examination,
42 inspection and investigation of the department of mental hygiene except
43 for those distinct parts of such a facility which provide hospital
44 service. The provisions of this article shall not apply to a facility or
45 institution engaged principally in providing services by or under the
46 supervision of the bona fide members and adherents of a recognized reli-
47 gious organization whose teachings include reliance on spiritual means
48 through prayer alone for healing in the practice of the religion of such
49 organization and where services are provided in accordance with those
50 teachings. No provision of this article [~~or any other provision of law~~]
51 shall be construed to~~[-(a)]~~ limit the volume of primary care services
52 that can be provided by comprehensive outpatient services centers, as
53 defined in section 36.08 of the mental hygiene law. No provision of
54 this article or any other provision of law shall be construed to: (a)
55 limit the volume of mental health, substance use disorder services or
56 developmental disability services that can be provided by a provider of

1 primary care services licensed under this article and authorized to
2 provide integrated services in accordance with regulations issued by the
3 commissioner in consultation with the commissioner of the office of
4 mental health, the commissioner of the office of [~~alcoholism and~~
5 ~~substance abuse services~~] addiction services and supports and the
6 commissioner of the office for people with developmental disabilities,
7 including regulations issued pursuant to subdivision seven of section
8 three hundred sixty-five-1 of the social services law or part L of chap-
9 ter fifty-six of the laws of two thousand twelve; (b) require a provider
10 licensed pursuant to article thirty-one of the mental hygiene law or
11 certified pursuant to article sixteen or article thirty-two of the
12 mental hygiene law to obtain an operating certificate from the depart-
13 ment if such provider has been authorized to provide integrated services
14 in accordance with regulations issued by the commissioner in consulta-
15 tion with the commissioner of the office of mental health, the commis-
16 sioner of the office of [~~alcoholism and substance abuse services~~]
17 addiction services and supports and the commissioner of the office for
18 people with developmental disabilities, including regulations issued
19 pursuant to subdivision seven of section three hundred sixty-five-1 of
20 the social services law or part L of chapter fifty-six of the laws of
21 two thousand twelve; or (c) require a provider licensed under section
22 36.08 of the mental hygiene law to obtain a license from the department.

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

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

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

51 § 5. Subdivision (b) of section 32.05 of the mental hygiene law, as
52 amended by section 3 of part Z of chapter 57 of the laws of 2019 and
53 paragraph (i) as amended by chapter 511 of the laws of 2025, is amended
54 to read as follows:
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1 (b) (i) Methadone, or such other controlled substance designated by
2 the commissioner of health as appropriate for such use, may be adminis-
3 tered to a person with substance use disorder, as defined in section
4 thirty-three hundred two of the public health law, by individual physi-
5 cians, groups of physicians and public or private medical facilities
6 certified pursuant to article twenty-eight or thirty-three of the public
7 health law as part of a chemical dependence program which has been
8 issued an operating certificate by the commissioner pursuant to subdivi-
9 sion (b) of section 32.09 of this article, provided, however, that such
10 administration must be done in accordance with all applicable federal
11 and state laws and regulations. Individual physicians or groups of
12 physicians who have obtained authorization from the federal government
13 to administer buprenorphine to people with substance use disorder may do
14 so without obtaining an operating certificate from the commissioner.
15 (ii) No provision of this article or any other provision of law shall be
16 construed to: (A) require a provider licensed pursuant to article twen-
17 ty-eight of the public health law, article thirty-one of this [chapter]
18 title or a provider certified pursuant to article sixteen of this chap-
19 ter to obtain an operating certificate from the office of [alcoholism
20 and substance abuse] addiction services and supports if such provider
21 has been authorized to provide integrated services in accordance with
22 regulations issued by the commissioner of [alcoholism and substance
23 abuse] addiction services and supports in consultation with the commis-
24 sioner of the department of health, the commissioner of the office of
25 mental health and the commissioner of the office for people with devel-
26 opmental disabilities, including regulations issued pursuant to subdivi-
27 sion seven of section three hundred sixty-five-1 of the social services
28 law or part L of chapter fifty-six of the laws of two thousand
29 twelve[-]; or (B) require a provider licensed under section 36.08 of
30 this title to obtain an operating certificate from the office of
31 addiction services and supports. Furthermore, no provision of this arti-
32 cle or any other provision of law shall be construed to limit the volume
33 of addiction services that can be provided by comprehensive outpatient
34 services centers, as defined in section 36.08 of this title.

35 § 6. This act shall take effect on the date that the rates of
36 reimbursement for comprehensive outpatient services are approved and
37 certified by the office of mental health and the office of addiction
38 services and supports pursuant to paragraph (v) of subdivision (b) of
39 section 36.08 of the mental hygiene law as added by section one of this
40 act or the regulations issued in accordance with subdivision (e) of
41 section 36.08 of the mental hygiene law as added by section one of this
42 act become effective, whichever is later; provided that the office of
43 mental health shall notify the legislative bill drafting commission upon
44 the occurrence of the enactment of rates of reimbursement for comprehen-
45 sive outpatient services or such regulations become effective as
46 provided for in section one of this act in order that the commission may
47 maintain an accurate and timely effective data base of the official text
48 of the laws of the state of New York in furtherance of effectuating the
49 provisions of section 44 of the legislative law and section 70-b of the
50 public officers law. Effective immediately, the commissioner of the
51 office of mental health and the commissioner of the office of addiction
52 services and supports are authorized to issue any rule or regulation
53 necessary for the implementation of this act on or before its effective
54 date.