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:

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

§ 36.08 Comprehensive outpatient services.

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

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

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

(iii) "Comprehensive outpatient services" means the systematic coordination of evidence-based health care services, to include the preventative, diagnostic, therapeutic and rehabilitative care and treatment of mental illness, addiction and the provision of physical health services, otherwise provided by a mental health clinic licensed pursuant to article thirty-one of this title, or addiction disorder services provided by a provider certified pursuant to article thirty-two of this title to any 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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their primary diagnosis; provided, however, that the scope of such services may be restricted pursuant to regulation.

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

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

(i) scope of comprehensive outpatient services;

(ii) creation of an efficient application review process for comprehensive outpatient services centers;

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

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

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

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

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

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

(1) patient rights;

(2) mandatory reporting of child abuse and maltreatment;

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

(4) consent to treatment;

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

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

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

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

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

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

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

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

(d) Comprehensive outpatient service providers shall be considered contracted, licensed, approved or otherwise authorized by the office of addiction services and supports and the office of mental health for the 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.

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

§ 2. 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) a comprehensive outpatient services center which is licensed under section 36.08 of the mental hygiene law;

§ 3. 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 comprehensive outpatient services centers, 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 subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve; (b) require a provider licensed pursuant to article thirty-one of the mental hygiene law or certified pursuant to article sixteen or article thirty-two of the mental hygiene law to obtain an operating certificate from the department if such provider has been 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 subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve**; or (c) require a provider licensed under section 36.08 of the mental hygiene law to obtain a license from the department**.

§ 4. The opening paragraph of subdivision (a) and subdivision (f) of section 31.02 of the mental hygiene law, the opening paragraph of subdivision (a) as amended by chapter 804 of the laws of 1975 and as renumbered by chapter 978 of the laws of 1977, and subdivision (f) as amended by section 2 of part Z of chapter 57 of the laws of 2019, are amended to read as follows:

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

(f) No provision of this article or any other provision of law shall be construed to**: (i)** require a provider licensed pursuant to article twenty-eight of the public health law or certified pursuant to article sixteen or article thirty-two of this chapter to obtain an operating certificate from the office of mental health if such provider has been authorized to provide integrated services in accordance with regulations issued by the commissioner of the office of mental health in consultation with the commissioner of the department of 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 subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve**; or (ii) require a provider licensed under section 36.08 of this title to obtain a license from the office of mental health**. **Furthermore, no provision of this article or any other provision of law shall be construed to limit the volume of mental health services that can be provided by comprehensive outpatient services centers, as defined in section 36.08 of this title.**

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

(b) (i) Methadone, or such other controlled substance designated by the commissioner of health as appropriate for such use, may be administered to a person with substance use disorder, as defined in section thirty-three hundred two of the public health law, by individual physicians, groups of physicians and public or private medical facilities certified pursuant to article twenty-eight or thirty-three of the public health law as part of a chemical dependence program which has been issued an operating certificate by the commissioner pursuant to subdivision (b) of section 32.09 of this article, provided, however, that such administration must be done in accordance with all applicable federal and state laws and regulations. Individual physicians or groups of physicians who have obtained authorization from the federal government to administer buprenorphine to people with substance use disorder may do so without obtaining an operating certificate from the commissioner. (ii) No provision of this article or any other provision of law shall be construed to**: (A)** require a provider licensed pursuant to article twenty-eight of the public health law, article thirty-one of this [~~**chapter**~~] **title** or a provider certified pursuant to article sixteen of this chapter to obtain an operating certificate from the office of [~~**alcoholism and substance abuse**~~] **addiction** services **and supports** if such provider has been authorized to provide integrated services in accordance with regulations issued by the commissioner of [~~**alcoholism and substance abuse**~~] **addiction** services **and supports** in consultation with the commissioner of the department of health, the commissioner of the office of mental health and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve[~~.~~]**; or (B) require a provider licensed under section 36.08 of this title to obtain an operating certificate from the office of addiction services and supports. Furthermore, no provision of this article or any other provision of law shall be construed to limit the volume of addiction services that can be provided by comprehensive outpatient services centers, as defined in section 36.08 of this title.**

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