STATE OF NEW YORK

3051--B

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 -- 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 integrated behavioral health 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 Integrated behavioral health services.

(a) For the purpose of this section "integrated behavioral health 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 program 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 their primary diagnosis; provided, however, that the scope of such services may be restricted pursuant to regulation.

(b) (i) The commissioners of the office of mental health and the office of addiction services and supports are authorized to jointly establish a single license and set of regulations, standards and requirements for the construction, operation, reporting and oversight of

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

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integrated behavioral health services. Such regulations, standards, and requirements shall include, but not be limited to:

(A) scope of integrated behavioral health services;

(B) a joint application review process for integrated behavioral health services;

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

(D) staffing standards and qualifications for integrated behavioral health services consistent with applicable scope of practice requirements under title eight of the education law;

(E) development of billing and reimbursement structures to enable the provision of integrated behavioral health services to individuals regardless of their primary diagnosis or healthcare complaint, provided however, that reimbursement for integrated behavioral health services shall not be less than the applicable reimbursement pursuant to the ambulatory patient group methodology for the same or similar services when provided by a program licensed pursuant to article thirty-one or certified pursuant to article thirty-two of this title;

(F) physical plant standards;

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

(H) patient protections and related safeguards including:

(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;

(I) corporate structure and governance;

(J) the suspension, revocation, or limitation of a license issued pursuant to this section; and

(K) utilization review.

(ii) The regulations, standards and requirements for integrated behavioral health services shall, to the extent possible, be in accordance with standards required under article nineteen, twenty-two, thirty-one, thirty-two, and thirty-three of this chapter which would otherwise apply to patients in facilities operated, licensed, or certified as applicable. The commissioners shall be authorized to resolve inconsistencies or conflicts among such regulations, standards, or requirements by regulation.

(c) No provider shall be licensed to provide integrated behavioral health services unless they have sufficiently demonstrated, consistent with the standards and requirements set forth by the commissioners, experience in the delivery of mental health and addiction services.

§ 2. Section 36.06 of the mental hygiene law is amended by adding two new subdivisions (c) and (d) to read as follows:

(c) Providers licensed pursuant to this article 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 unsu-

pervised or unrestricted physical contact with the clients of such provider.

(d) The office of addiction services and supports and the office of mental health, in consultation with the justice center for the protection of people with special needs, shall jointly promulgate regulations establishing the process by which a provider shall comply with this section.

§ 3. 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) an integrated behavioral health services program licensed under section 36.08 of the mental hygiene law;

§ 4. 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 a program licensed to provide integrated behavioral health services, 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**.

§ 5. 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 by a program licensed to provide integrated behavioral health services, as defined in section 36.08 of this title.**

§ 6. 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 by a program licensed to provide integrated behavioral health services, as defined in section 36.08 of this title.**

§ 7. Subdivisions (a) and (b) of section 43.02 of the mental hygiene law, as amended by section 3 of part OO of chapter 58 of the laws of 2015, are amended to read as follows:

(a) Notwithstanding any inconsistent provision of law, payment made by government agencies pursuant to title eleven of article five of the social services law for services provided by any facility licensed by the office of mental health pursuant to article thirty-one of this chapter [~~or~~]**,** certified by the office of [~~alcoholism and substance abuse services~~] **addiction services and supports** pursuant to this chapter to provide inpatient chemical dependence services, as defined in section 1.03 of this chapter, **or facilities jointly licensed by the office of mental health and the office of addiction services and supports pursuant to article thirty-six of this title,** shall be at rates or fees certified by the commissioner of the respective office **or offices** and approved by the director of the division of the budget, provided, however, the commissioner of mental health shall annually certify such rates or fees which may vary for distinct geographical areas of the state and, provided, further, that rates or fees for service for inpatient psychiatric services or inpatient chemical dependence services, at hospitals otherwise licensed pursuant to article twenty-eight of the public health law shall be established in accordance with section [~~two thousand eight~~] **twenty-eight** hundred seven of the public health law and, provided, further, that rates or fees for services provided by any facility or program licensed, operated or approved by the office for people with developmental disabilities, shall be certified by the commissioner of health; provided, however, that such methodologies shall be subject to approval by the office for people with developmental disabilities and shall take into account the policies and goals of such office.

(b) Operators of facilities licensed by the office of mental health pursuant to article thirty-one of this chapter, licensed by the office for people with developmental disabilities pursuant to article sixteen of this chapter [~~or~~]**,** certified by the office of [~~alcoholism and~~

~~substance abuse~~] **addiction** services **and supports** pursuant to this chapter to provide inpatient chemical dependence services**, or facilities jointly licensed by the office of mental health and the office of addiction services and supports pursuant to article thirty-six of this title,** shall provide to the commissioner of the respective office such financial, statistical and program information as the commissioner may determine to be necessary. The commissioner of the appropriate office **or offices** shall have the power to conduct on-site audits of books and records of such facilities.

§ 8. This act shall take effect on the date that the rates of reimbursement for integrated behavioral health services are approved and certified by the office of mental health and the office of addiction services and supports pursuant to subparagraph (E) of paragraph (i) 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 (d) of section 36.06 of the mental hygiene law as added by section two 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 integrated behavioral 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.