



**2019 End of Session Health/ Mental Hygiene Update  
June 28, 2019**

Just before midnight on June 20<sup>th</sup>, the State Senate completed its work and adjourned the 2019 session. At 7:30am June 21<sup>st</sup>, the State Assembly followed suit after more than twenty straight hours of debating and advancing bills. A number of high profile items were passed by both houses in the first year of one-party rule in New York including decriminalization (not legalization) of marijuana and vacating some prior marijuana-related convictions, the "Green Light" bill to allow undocumented immigrants to get driver's licenses, strengthening of state sexual harassment laws, extension and expansion of rent regulations, an increase in labor rights of farm workers, a sweeping measure to combat climate change, and an extension of the minority and-women-owned enterprises law to 2024, among others.

While there were 935 bills passed by both houses this session, outlined below is a summary of the measures advanced by both houses relating to the health and mental hygiene sectors. Most still require action by the Governor before they would take effect, as noted in the summaries below.

To view the text and sponsor’s memo of any of the bills we have summarized below, you can use the Assembly’s bill search tool at the following link: <https://nyassembly.gov/leg/>

All of us at Reid, McNally & Savage wish you an enjoyable summer.

**Table of Contents**

*Multiple Sectors* ..... 2

*Hospitals* ..... 4

*Long Term Care* ..... 5

*Physician/ Health Professionals* ..... 7

*Pharmacy/ Pharmaceuticals* ..... 9

*Public Health* ..... 10

*Behavioral Health* ..... 12

*Developmental Disabilities* ..... 16

*Insurance* ..... 18

## **Bills Passed by Both Houses during 2019 Session**

### *Multiple Sectors*

#### **Reproductive Health Act (S240, Krueger/ A21, Glick)**

Codifies Roe v. Wade protections on New York's public health law.

The bill was passed in January and was signed into law by the Governor on January 22, 2019, Chapter 1 of the laws of 2019.

#### **Reproductive Health Decision Making (S660, Metzger/ A584, Jaffee)**

Amends the labor law to prohibit discrimination based on an individual employee's or a dependent's reproductive health decision making.

The bill was passed in January but has not yet been delivered to the Governor.

#### **Comprehensive Contraception Coverage Act (S659A, Salazar/ A585A, Cahill)**

Enacts the comprehensive contraception coverage act to require public and private insurance coverage of all FDA-approved contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services. It also prohibits a health insurance policy from imposing any cost-sharing requirements or other restrictions or delays with respect to this coverage.

The bill was passed in January and was signed into law by the Governor on April 12, 2019, Chapter 25 of the laws of 2019.

#### **Gender Expression Non-Discrimination Act (GENDA) (S1047, Hoylman/ A747, Gottfried)**

Enacts GENDA to prohibit discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute.

The bill was passed in January and was signed into law by the Governor on January 25, 2019, Chapter 7 of the laws of 2019

#### **Prohibition on Sexual Orientation Change Efforts with Minors (S1046, Hoylman/ A576, Glick)**

Designates it as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals with patients under the age of 18.

The bill was passed in January and was signed into law by the Governor on January 25, 2019, Chapter 8 of the laws of 2019.

#### **Health Care Decision Making (S6356, Rivera/ A1124, Gottfried)**

Clarifies that decisions about routine care for hospice patients without a surrogate decision maker do not require prior review by an Ethics Review Committee, and are governed by the provisions in the Family Health Care Decisions Act.

This bill passed both houses but has not yet been delivered to the Governor.

**HIV PeP for Sexual Assault Victims (S2279A, Hoylman/ A1204A, Peoples-Stokes)**

Require the provision of a full regimen (instead of the current 7-day starter pack requirement) of HIV post-exposure prophylaxis (PeP) to sexual assault victims, and provides that victims of sexual assault be informed that payment assistance for this and follow-up care may be available from the Office of Victim Services. Further it provides that such follow-up HIV PeP costs should be billed by the health care provider directly to the Office of Victims Services and reimbursed directly to the health care provider, rather than requiring the filing of a crime victim compensation application.

This bill passed both houses but has not yet been delivered to the Governor.

**DOH Review of Correctional Health Services (S1073A, Rivera/ A1130A, Gottfried)**

Expands DOH's role in correctional care to cover women's health, transgender health, elderly health, and chronic health conditions such as asthma, diabetes, and heart disease. The bill also gives DOH additional oversight of discharge planning for health care services. Lastly, this bill directs DOH to study staffing levels in correctional settings every two years to ensure adequate staffing levels and identify factors that may contribute to high vacancy rates.

This bill passed both houses but has not yet been delivered to the Governor.

**Restricted Clinical Laboratory Licenses (S5692A, Rivera/ A7906A, Gottfried)**

Allows individuals employed by a New York State Department of Health authorized toxicology laboratory, operating under the supervision of a laboratory supervisor or director of a clinical laboratory, to obtain a certificate in toxicology. Currently, individuals with a degree in toxicology are ineligible for a Clinical Laboratory Technology license due to a lack of required coursework (2-4 years in a clinical laboratory technology program). This bill would provide a pathway to licensure for those already performing toxicology lab tasks.

This bill passed both houses but has not yet been delivered to the Governor.

**Expungement of Records for Marijuana Convictions (S6579A, Bailey/ A8420A, Peoples-Stokes)**

Decriminalizes the possession of marijuana by minimizing penalties. Individuals who are found with less than one ounce of marijuana may be fined no more than \$50. Those with one ounce or more may be fined no more than \$200. The bill also creates an option for expungement of records for those who have committed minor infractions of the marijuana law. Lastly, this bill expands upon the definition of "smoking" to include the burning of marijuana.

This bill passed both houses but has not yet been delivered to the Governor.

**Inmate Discharge HIV Information Requirements (S5945, Sanders/ A916, Peoples-Stokes)**

This bill will require DOCCS to provide an inmate, upon his or her discharge, with educational information about the prevention of HIV, instructions about how to obtain free HIV testing and referrals to community-based HIV prevention, education, and counseling resources.

This bill passed both houses and has not yet been delivered to the Governor.

**Reports by the State Office for the Aging (S5489, May/ A4948, Bronson)**

Requires the State Office for the Aging to include in their annual report information on older adults who are primary caregivers or guardians of minors and on substance use disorders among older adults.

This bill passed both houses and has not yet been delivered to the Governor.

**Anaphylactic Policies for Child Care Services (S218B, Benjamin/ A6971B, Taylor)**

Requires DOH to create a procedure and treatment plan for child care services personnel for responding to anaphylaxis and other guidelines for creating strategies for the reduction of risk exposure for children with a food or other allergy.

This bill passed both houses and has not yet been delivered to the Governor.

**Menstrual Product Labeling (S2387B, Persaud/ A164B, Rosenthal L)**

Requires the label affixed to a menstrual product package to include a list of all ingredients in said product listed in order of predominance.

This bill passed both houses and has not yet been delivered to the Governor.

**Good Samaritan Protections Opioid Antagonists (S6361 Carlucci/A7277 Rosenthal)**

Adds Good Samaritan protections to the list of required information that is on the card that comes with opioid antagonists.

This bill passed both houses but has not yet been transmitted to the Governor.

**Death Certificates, Opioid Use (S1668 Brooks/A4195 Jean-Pierre)**

Current Public Health Law requires that where a death is caused by an opioid overdose, such information shall be indicated on the death certificate. This bill requires that the specific opioid that caused the death of the decedent be included, if known to the person completing the death certificate.

This bill passed both houses but has not yet been transmitted to the Governor.

*Hospitals*

**Independent Dispute Resolution (IDR) for Hospital Charges for Emergency Services (S3171-A Krueger/A264-B Cahill & S6544-A Krueger/A8404 Cahill)**

These bills amend New York State's "Surprise Bill" law to require hospital charges for emergency services to be eligible under the Independent Dispute Resolution (IDR) process. State-regulated health plans are required to reimburse hospitals for out-of-network emergency services at 125% of the hospital's and plan's in-network rate, based upon the most recent contract between the hospital and plan. Such payment does not prejudice either party or preclude them from submitting a dispute to the IDRE. The payment only applies where the plan and hospital had previously entered into a participating provider agreement.

These bills do not impact physician bills for emergency services which are already subject to the IDR process, with exceptions for CPT codes under a certain price threshold.

These bills passed both houses but have not yet been transmitted to the Governor.

**Obstetric Hemorrhage (S4498A, Rivera/ A6962A, Joyner)**

Requires that hospitals adopt, implement, periodically update and submit to the Department of Health standard protocols for management of obstetric hemorrhage.

This bill passed both houses but has not yet been delivered to the Governor.

**Hepatitis C Testing (S6029, Rivera/ A7671, Zebrowski)**

Extends the sunset provisions in Chapter 425 of the Laws of 2013 for an additional six years, until January 1, 2026. Chapter 425 of the Laws of 2013 established a testing and referral requirement for hepatitis C in hospitals for individuals born between 1945 and 1965 unless the individual is being treated for a life-threatening emergency or has previously been offered or tested or they lack the ability to consent. It also provides that should a screening test be positive or reactive, the provider shall offer follow-up health care including a hepatitis C diagnostic test or refer the individual to a provider who can.

This bill passed both houses but has not yet been delivered to the Governor.

**DOH Study Emergency Room Beds (S4699 Ramos/A6832DenDekker)**

Requires DOH to study the number of emergency room beds in the State and establish minimum numbers of beds required. The study must include:

- the current number of emergency beds in the State;
- the minimum number of emergency beds required to adequately address the needs of patients;
- the distance patients need to travel to access emergency services, including the maximum distance patients shall be expected to travel to access services; and
- the number of emergency rooms within a specific area.

The study must take into consideration population density, travel time to emergency rooms, proximity to other emergency rooms, public transportation routes, and other factors the commissioner deems appropriate.

This bill passed both houses but has not yet been transmitted to the Governor

*Long Term Care*

**E-Prescribing (S4183, Rivera/ A1034A, Gottfried)**

Extends for two more years the exemption from e-prescribing requirements nursing homes and residential health care facilities.

This bill passed both houses but has not yet been delivered to the Governor.

**Physician Privileges in Nursing Homes (S4583, Sanders/ A407, Cahill)**

Requires nursing homes to provide potential residents with their policy regarding granting physician privileges prior to executing an agreement.

The bill passed both houses but has not yet been delivered to the Governor.

**Mental Hygiene Legal Services for Patients of Residential Health Care Facilities (S3766 Parker/A4482 Cusick)**

Provides Mental Hygiene Legal Services with authority to provide legal services to patients or residents of residential health care facilities who have been admitted directly from a psychiatric facility or psychiatric ward of a hospital for treatment of serious mental illness.

This bill passed both houses but has not yet been transmitted to the Governor.

**Home Care and Community Based Sepsis Prevention, Screening & Education (S1817 Rivera/A3839 McDonald)**

Establishes a Home Care and Community Based Sepsis Prevention, Screening & Education program. Within available funds, the following may be supported by DOH on a voluntary home care agency basis:

- Integration into home care agency Electronic Medical Records (EMRs) a standardized sepsis screening and intervention tool;
- Exchange of patient health information between home care agencies and emergency medical providers, hospitals, patients, and primary care practitioners regarding patients who meet or are suspected to meet sepsis criteria;
- Establishment and implementation of sepsis collaboratives under the Hospital-Home Care-Physician Collaboration Program;
- Home care sepsis education and training; and
- Community outreach and provider education conducted by home care agencies in conjunction with hospitals, physicians, emergency medical services, health plans, nursing homes, and the Rory Staunton Foundation for Sepsis Prevention and Sepsis Alliance

This bill passed both houses but has not yet been transmitted to the Governor.

**Automatic Enrollment (A7578-A Gottfried/S5485-A Carlucci)**

Provides for the automatic enrollment and recertification simplification for Medicaid managed care plans and long- term care plans.

This bill passed both houses but has not yet been delivered to the Governor.

**In Service Training (A7854 Gottfried/S5605 Rivera)**

Requires entry by a home care agency into the Home Care Worker Registry of in-services training and hours completed by home care agencies.

This bill passed both houses but has not yet been delivered to the Governor.

### *Physician/ Health Professionals*

#### **Risk Management Course (S3158, Ramos/ A568, Paulin)**

Provides for a premium reduction for physicians and licensed midwives who complete a risk management strategies course in obstetrics.

This bill passed both houses in June but has not yet been delivered to the Governor.

#### **Professional Certification of Doulas (S3344B, Ramos/ A364B, Paulin)**

Authorizes the professional certification of doulas. Defines doula services as continuous emotional and physical support provided throughout labor and birth, and intermittently during the prenatal and postpartum periods.

This bill passed both houses but has not yet been delivered to the Governor.

#### **Loan Repayment (S4269, Rivera/ A5425, Gottfried)**

Directs the Department of Health to form a work group to assess the impact of requiring individual applicants for grants from the Doctors Across New York physician loan repayment and physician practice support programs to use the New York State Grants Gateway.

This bill passed both houses but has not yet been delivered to the Governor.

#### **Consent for Pelvic Exams (S1092E, Persaud/ A6325C, Solages)**

Prohibits the performance of a pelvic examination on an anesthetized or unconscious person who has not provided consent for such examination.

This bill passed both houses but has not yet been delivered to the Governor.

#### **Informed Consent (S3353, Ramos/ A4988, Paulin)**

Creates a new section of public health law stating that in the case of any health care procedure or examination, the fact that the procedure or examination is performed in the course of education or training does not diminish the requirement for informed consent for the procedure or examination.

This bill passed both houses but has not yet been delivered to the Governor.

#### **License Revocation for Loss of Consciousness (S5225A, Gounardes/ A4751A, Carroll)**

Builds on existing protections in law, by directing the Department of Motor Vehicles (DMV) to immediately deny or suspend the license of any person about whom the DMV has received evidence of loss of consciousness pending a hearing if the applicant or licensee requests one.

This bill passed both houses but has not yet been delivered to the Governor.

**Closure of Health Provider's Office (S5367, Comrie/ A2349, Perry)**

Includes requirements for the transfer of patient medical records (including access to records by the patient) upon closure of a health care provider's office.

This bill passed both houses but has not yet been delivered to the Governor.

**Liability Exposure (S6081 Hoylman/A2372 Dinowitz)**

Requires a non-settling co-defendant in a tort action to choose whether to reduce their liability exposure by the stated settlement amount or the settling tortfeasor's equitable share prior to the first opening statements of the trial.

This bill passed both houses but has not yet been delivered to the Governor.

**Recovery against Third Party Defendant (S6552 Skoufis/ A2373 Dinowitz)**

This bill would permit a plaintiff to bypass the defendant he or she sued to collect a judgment from a third-party defendant who or which has been sued by the defendant for contribution or indemnification as a result of the underlying action.

This bill passed both houses but has not yet been delivered to the Governor.

**Orders Not to Resuscitate (S4841, Rivera/ A1162A, Gottfried)**

This bill would add physician assistants to the list of health care professionals authorized to act in relation to orders pertaining to life sustaining treatments and orders not to resuscitate. This bill would also allow physician assistants to make capacity determinations for purposes of witnessing and implementing health care proxies.

This bill passed both houses but has not yet been delivered to the Governor.

**Professional Qualifications for Eye Dilation (S4469B, Stavisky/ A3822D, McDonald)**

Establishes qualifications for allied eye care providers to be authorized to administer dilating/anesthetic eye drops under the supervision of an ophthalmologist or optometrist. An individual shall meet the following criteria to be eligible: must be over the age of 18; be under the supervision of a physician; must complete a curriculum and examination approved by SED demonstrating the requisite experience to instill dilating eye drops.

This bill passed both houses but has not yet been delivered to the Governor.

**Medical Malpractice Exemption Extensions (S6547, Breslin/ A8345, Lavine)**

Extends exemptions from risk-based-capital requirements for medical malpractice insurers until December 31, 2022.

This bill passed both houses but has not yet been delivered to the Governor.

**Central Venous Line Care (S474, Carlucci/ A212, Galef)**



Requires that caregivers of patients with a central venous line be consulted prior to patient discharge regarding his or her capabilities and limitations in administering medications and providing proper venous line care.

This bill passed both houses and has not yet been delivered to the Governor.

**Technical Corrections to Out-of-State Physician Practice Permission Statute (S1276, Funke/ A2634, Cusick)**

This legislation is a chapter amendment that makes changes to provisions of L.2018, c.519, to clarify provisions relating to disciplinary and regulatory authority over physicians practicing medicine in New York state if they are licensed to practice in another state or territory.

This bill was passed in March but has not yet been delivered to the Governor.

**Prohibits Patient Protected Information from being Sold by Ambulance Services ((S4119 Liu/A230 (Braunstein)**

Provides that no ambulance or advanced life support first response service can sell, disclose, transfer, exchange or use any protected patient information such as name, address, prescriptions, and medical history to any person or entity for the purpose of marketing. Allows the collection, use, transfer, or sale of patient data by zip code, geographic region, or medical specialty for marketing purposes provided it does not contain individual identifying information.

This bill passed both houses but has not yet been transmitted to the Governor.

*Pharmacy/ Pharmaceuticals*

**Pharmacy Recall Notifications (S5091B, Comrie/ A4781B, Rosenthal D)**

Requires pharmacy notification of patients when there are Class I drug recalls.

This bill passed both houses but has not yet been delivered to the Governor.

**Partially Filled Prescriptions (S1813, Rivera/A3918, McDonald)**

Allows for the partial fill of a controlled substance at the request of a prescriber or patient.

This bill passed both houses but has not yet been delivered to the Governor.

**Senior Drug Guide (S3291, Comrie/ A2326A, Dinowitz)**

Requires the creation of a guide for seniors on drug use warnings and best practices to be created by the State Office for the Aging, in consultation with the Board of Pharmacy and Department of Health. The report would be required to be posted on the Office for the Aging website and promotion and provided upon request.

This bill passed both houses but has not yet been delivered to the Governor.

## *Public Health*

### **Non-Medical Exemptions to Required Childhood Vaccinations (S2994A, Hoylman/ A2371A, Dinowitz)**

Eliminates Non-medical Exemptions to required childhood vaccinations for school and daycare attendance.

This bill passed both houses and was signed into law on June 13, 2019, Chapter 35 of the laws of 2019.

### **Increase Tobacco Purchase age to 21 (S2833, Savino/ A558A, Rosenthal L)**

Increases the age to purchase all tobacco products (including e-cigarettes) from 18 to 21 years old.

The bill passed both houses but has not yet been delivered to the Governor.

### **Expansion of the Tobacco Use and Prevention Program (S301A, Hoylman/ A481A, Rosenthal L)**

Includes electronic cigarettes and liquid nicotine within the scope of work including in the State Tobacco Use and Prevention Program.

This bill passed both houses in June but has not yet been delivered to the Governor.

### **Tobacco Research Products (S5300, Rivera/ A7351, Gottfried)**

Defines “research tobacco products” and exempts them from the definitions of “cigarette” and “tobacco product” in the tax law so that they can continue to be studied tax-free.

This bill passed both houses and has not yet been delivered to the Governor.

### **OTP Excise Tax for Public Housing (S2634, Kreuger/ A6369, Weinstein)**

Ensures that any revenue collected from New York City’s excise tax on “other tobacco products” (tobacco products other than cigarettes) can be collected in the same manner as the City’s cigarette tax.

This bill passed both houses and has not yet been delivered to the Governor.

### **Information on Pregnancy Complications (S4637A, Montgomery/ A2957A, Richardson)**

Requires that the leaflets currently provided to maternity patients include information about serious complications that could lead to death. The Commissioner of Health is required under the bill to consult with any official boards mandated to review and investigate maternal mortality to ensure that information is correct and up to date.

The legislation passed both houses but has not yet been delivered to the Governor.

### **Maternal Mortality Review Board (S1819, Rivera/ A3276, Joyner)**

Establishes the Maternal Mortality Review Board and the Maternal Mortality and Morbidity Advisory Council for the purposes of reviewing maternal mortality and morbidity. The Board

shall assess the cause of death and factors leading to death and to develop strategies for reducing the risk of maternal mortality.

This bill passed both houses in June but has not yet been delivered to the Governor.

**Structure of Maternal Mortality Review Board (S6529, Rivera/ A8338, Joyner)**

Requires that members of the State Maternal Mortality Review Board (MMRB) are representative of the racial, ethnic and socioeconomic diversity of women and mothers in the state and those medically underserved areas of the state. The bill also outlines the collaborative relationship of both the State MMRB and NYC's Maternal Mortality Review Board. The bill also allows the NYC Department of Health and Mental Hygiene Commissioner to make appointment recommendations for ten of the MMRB members.

This bill passed both houses but has not yet been delivered to the Governor.

**Expand Expedited Partner Therapy (S1799, Rivera/ A2998, Bichotte)**

Expands the use of EPT for any sexually transmitted infections that the Centers for Disease Control and Prevention recommends its use.

The bill passed both houses but has not yet been delivered to the Governor.

**Workplace Protections (S4211, Sepulveda/ A5975, Reyes)**

Extends existing workplace protections to include lactation as a pregnancy-related condition.

This bill passed both houses but has not yet been delivered to the Governor.

**Public Awareness for Concussions in Tackle Football (S2958A, Krueger/ A6968A, Benedetto)**

Requires that all tackle football program in the state provide an informational packet to parents of children participating in the program about concussions and sub-concussive blows, and the injuries that might occur as a result of receiving such blows. The packet will be provided by DOH and will also be available for free on their website.

This bill passed both houses but has not yet been delivered to the Governor.

**DOH Study on Asthma in Congressional District #5 (S5381, Comrie/ A6497, Hyndman)**

Directs DOH to conduct a study on the high incidence of asthma in the 5<sup>th</sup> congressional district and to prepare a remedial plan within a year and half of becoming law.

This bill passed both houses and has not yet been delivered to the Governor.

**Increased Membership of the PHHPC (S870, Hoylman/ A4071, Gottfried)**

This bill increases the number of PHHPC appointees from 24 to 30 with 3 members representing consumer organizations, 2 members representing labor organizations, and 1 miscellaneous representative.

This bill passed both houses and has not yet been delivered to the Governor.

**Child Safe Products Act (S501B, Kaminsky/ A6296A, Englebright)**

Regulates chemicals in certain products marketed to children aged 12 and under including toys, jewelry and some personal care products among other categories.

This bill was passed in April but has not yet been delivered to the Governor.

**Technical Correction to the Child Safe Products Act (S5349 Kaminsky/ A7371, Englebright)**

Makes a chapter amendment to the above children's product legislation to define and consider allowable trace contaminants.

This bill was passed in May but has not yet been delivered to the Governor.

**Human Trafficking Recognition Training Program (S3465, Biaggi/ A1283, Hunter)**

Requires any public facing employees for any public transportation service to undergo a human-trafficking recognition training program established by the Division of Criminal Justice Services and the Office of Temporary and Disability Assistance in consultation with the New York State Inter-agency Task Force on Human Trafficking.

This bill passed both houses but has not yet been delivered to the Governor.

**Rare Disease Advisory Council (S4497, Rivera/ A5762, Paulin)**

Establishes a Rare Disease Advisory Council consisting of 21 appointed members. The role of the Council would be to advise and consult on policy matters related to rare diseases. The Council would meet at least three times annually.

This bill passed both houses but has not yet been delivered to the Governor.

**Authorizes Human Research (S6448, Rivera/ A8125, Gottfried)**

Provides that upon attestation, satisfactory to the Commissioner of Health, human subject research conducted in compliance with federal law may be deemed in compliance with Public Health Law Article 24-A.

This bill passed both houses but has not yet been delivered to the Governor.

*Behavioral Health*

**Suicide Prevention (S6406A, Sepulveda/ A7564A, Fernandez)**

Require the Office of Mental Health to prepare a submit a written report on the development of plans, programs, and services to prevent and reduce suicide/suicidal behaviors, as well as a report on prevention services and program initiatives directed towards high risk minority groups and demographics.

This bill passed both houses but has not yet been delivered to the Governor.

**Temporary Commission for OMH Housing Programs (S5637A, Carlucci/ A7489A, Gunther)**

This bill would establish a temporary commission to investigate, and provide policy guidance and recommendations relating to the adequacy of funding levels and need for sufficient staffing in all supportive housing under the auspices of OMH. The commission shall consist of nine members; two appointed by the assembly majority, one by the assembly minority, two by the senate majority, one by the senate minority, and three by the Governor. The commission shall make a report of its finding no later than October 1, 2020.

This bill passed both houses and has not yet been delivered to the Governor.

**Medication Assisted Treatment for Substance Use Disorders (S5935A, Harkham/ A7246B, Rosenthal L)**

Expands access to medication assisted treatment for individuals with substance use disorders by allowing individuals under Medicaid the ability to access whichever MAT medication is most beneficial to them and their needs, without utilization control, prior authorization, or lifetime limits.

This bill passed both houses and has not yet been delivered to the Governor.

**Report on Outcomes of the State’s Response to the Opioid Epidemic (S4650, Sanders/ A1068, Rosenthal L)**

Requires OASAS to provide a report to the Senate President, Assembly Speaker, Chairs of the Alcohol and Drug Abuse Committees and the Chairs of the Ways & Means and Finance Committees regarding the status and outcomes of initiatives put in place in response to the heroin and opioid epidemic. Such report would begin July 1, 2019 and be required quarterly. It would include information on the number of individuals enrolled in the initiatives, the number of individuals who completed a treatment program, the number of individuals discharged from a treatment program, and the age, sex and other relevant regional data about the population served and outcomes and effectiveness of the programs. The initiatives to be reported on include opioid treatment programs, crisis detox programs, 24/7 open access centers, adolescent clubhouses, family navigator programs, peer engagement specialists, recovery outreach centers, regional addiction resource centers and the state implementation of the federal opioid state targeted response initiatives.

This bill passed both houses but has not yet been delivered to the Governor.

**Posting Notices at OMH Programs (S5121A, Carlucci/ A1370C, Abinanti)**

Requires facilities licensed, certified or operated by OMH to post signs that are not less than 8.5 inches by 11 inches that read, “In case of emergency, dial 911.” Such signs shall be posted and visible where employee notices are posted.

This bill passed both houses but has not yet been delivered to the Governor.

**Mental Illness and Chemical Dependence Initiative (S3200A, Parker/A2758A, Ortiz)**

Requires the Commissioner of OMH, in conjunction with the Commissioner of OASAS and the Director of the Division of Veterans Services to create a public education initiative designed to eliminate stigma and misinformation about mental illness and substance use among military service members.

This bill passed both houses but has not yet been delivered to the Governor.

**Timely Payments for Behavioral Health Services (S3960, Rivera/ A2787, Gottfried)**

Requires Medicaid Managed Care plans to pay increased rates of payments for behavioral health services beginning on the effective date of such rate change and if such increased rates are not paid on the effective date, the plan shall make retroactive payments to eligible service providers.

This bill passed both houses but has not yet been delivered to the Governor.

**OMH Monthly Status Reports on Inpatient Census (S5941 Carlucci/A7611 Gunther)**

Would codify OMH's current practice of providing a report to the legislature on the status of the State's inpatient mental health beds, including:

- state operated psychiatric facility census;
- occurrence of census exceeding budgeted capacity and reason;
- occurrence of out of catchment area placements that are due to insufficient capacity in the catchment area of the hospital;
- admissions and discharges;
- rate of Medicaid psychiatric inpatient readmissions to any hospital within 30 days of discharge;
- Medicaid emergency room psychiatric visits;
- descriptions of new community service investments;
- average length of stay and number of long-term stay patients; and
- an explanation of any material census reductions, when known.

This bill passed both houses but has not yet been delivered to the Governor.

**Black Youth Suicide Prevention (S4467B, Carlucci/ A6740B, Jean-Pierre)**

Creates a Black Youth Suicide Prevention Task Force to examine, evaluate and determine how to improve mental health and suicide prevention for Black New York residents aged 5 through 18 years, consisting of seven members, each appointed to serve for two years.

This bill passed both houses but has not yet been delivered to the Governor.

**Renaming OASAS (S6591, Harckham/ A7347, Rosenthal L)**

Renames the Office of Alcoholism and Substance Abuse Services to the Office of Addiction Services and Supports and requires all references to the Office in law be changed accordingly.

This bill passed both houses but has not yet been delivered to the Governor.

**Rural Suicide Prevention Council (S2070, Metzger/ A6007, Barrett)**

Creates the Rural Suicide Prevention Council consisting of twelve appointed members to examine, evaluate and make recommendations focused on preventing suicide in rural areas. The Council shall issue a report to the Governor and Legislature by January, 1 2021 with its findings and recommendations including for funding, and biennially thereafter.

This bill passed both houses but has not yet been delivered to the Governor.

**Periodic Review of Suicide Prevention Programs (S2403, Carlucci/ A6471, Cruz)**

Requires OMH to review the suicide prevention programs that it oversees periodically and make recommendations regarding cultural and linguistic competency and best practices for screening and interventions aimed at addressing suicide risk factors for minority groups and other underrepresented populations.

This bill passed both houses but has not yet been delivered to the Governor.

**Chapter Amendment to Mental Health and Substance Use Disorder Parity Report (S4356, Ortt/ A6186A, Gunther)**

Enacts a chapter amendment to a law passed in 2018 creating Mental Health and Substance Use Disorder Parity Reports to change the frequency of the required reports submitted by insurers from annually to every two years. Also it requires the Reports to be posted on the Department of Financial Services website.

This bill passed both houses but has not yet been delivered to the Governor.

**Interim Probation Extension (S5450, Bailey/ A7128, Paulin)**

Extends, from one to two years, the interim probation period for mental health services to a defendant in any type of treatment program supervised by any treatment court if additional treatment is needed.

This bill was passed in June but has not yet been delivered to the Governor.

**Short Term and Intensive Crisis Respite Programs (S6486, Zellnor/ A8014, Richardson)**

Requires the Commissioner of the Office of Mental Health (OMH) to furnish and issue a report to the Governor, the Speaker, and Senate Majority Leader on information as it relates to short term crisis respite and intensive crisis respite programs within one year.

This bill was passed in June but has not yet been delivered to the Governor.

**Mental Hygiene Legal Services for Patients of Residential Health Care Facilities (S3766 Parker/A4482 Cusick)**

Provides Mental Hygiene Legal Services with authority to provide legal services to patients or residents of residential health care facilities who have been admitted directly from a psychiatric facility or psychiatric ward of a hospital for treatment of serious mental illness.

This bill passed both houses but has not yet been transmitted to the Governor.

**Mental Hygiene Legal Services for Patients of Residential Health Care Facilities (S3766 Parker/A4482 Cusick)**

Provides Mental Hygiene Legal Services with authority to provide legal services to patients or residents of residential health care facilities who have been admitted directly from a psychiatric facility or psychiatric ward of a hospital for treatment of serious mental illness.

This bill passed both houses but has not yet been transmitted to the Governor.

### *Developmental Disabilities*

#### **Printed Material for College Students with Disabilities (S5393, Lanza/ A7251, Cusick)**

This bill would extend the program that provides instructional materials for college students with disabilities for three more years.

This bill passed both houses and has not yet been delivered to the Governor.

#### **Complex Rehabilitation Equipment for Patients (S5741 Skoufis/A7492 Steck)**

This bill provides a process for Medicaid patients with complex medical needs to qualify for Complex Rehabilitation Technology (CRT), including but not limited to, power wheelchairs and accessories. In addition, it establishes qualifications for individuals and entities eligible to configure and supply such equipment. It requires DOH to monitor and update Medicaid billing codes for CRT.

This bill passed both houses but has not yet been transmitted to the Governor.

#### **OPWDD Eligibility Information (S5347, Carlucci/ A6344, Gunther)**

Instructs the commissioner of OPWDD to make available on the office website, information regarding the process for individuals to obtain eligibility for services and to seek access to services.

This bill passed both houses and has not yet been delivered to the Governor.

#### **Notification Requirements for Suspension of Services in an Individualized Residential Alternative (S5315, Carlucci/ A7199, Gunther)**

Requires that in the event of a suspension of service of an OPWDD-operated individualized residential alternative, OPWDD must notify the Senate, Assembly, and labor representatives of affected employees.

This bill passed both houses and has not yet been delivered to the Governor.

#### **Lease Termination for Individuals with Disabilities (S3891, Sepulveda/ A2118, Hunter)**

Extends lease termination rights to people with disabilities when determined that the individual can no longer live independently. Qualifying conditions include: financial hardship related to the disability; physician certification that the individual can no longer live independently or that their housing conditions are currently unsuitable; or when notification is received of that they may live in an adult care facility, a residential healthcare facility, supportive housing, or subsidized housing.



This bill was passed in May but has not yet been delivered to the Governor.

**OPWDD Front Door Process Awareness (S5347, Carlucci/ A6344A, Gunther)**

Requires the Commissioner of the Office for People with Developmental Disabilities to publish on the office website information regarding the process for obtaining eligibility for services and access to services including, but not limited to, residential, respite, employment, habilitation, and self-directed services.

This bill was passed in May but has not yet been delivered to the Governor.

**Office of the Advocate for People with Disabilities (S1674, Skoufis/ A4737, Steck)**

Establishes in statute the Office of the Advocate for People with Disabilities which shall advise and assist state agencies in developing policies designed to help meet the needs of persons with disabilities. The Director shall serve as the Chairperson of the Most Integrated Setting Coordinating Council.

This bill was passed in May but has not yet been delivered to the Governor.

**Technical Corrections to References to the OPWDD (S4276, Skoufis/ A6174, Gunther)**

This legislation changes in statute the Office of Mental Retardation and Developmental Disabilities to the Office for People with Developmental Disabilities.

This bill was passed in May but has not yet been delivered to the Governor.

**Notices Pertaining to Children's Non-Regulated Camps (S1140, Carlucci/ A2029, Abinanti)**

Requires non-regulated children's camps to provide parents or guardians notice that they are not regulated by the New York State Department of Health.

This bill passed both houses but has not yet been delivered to the Governor.

**State Camp Safety Advisory Council (S5568, Rivera/ A7723, Gottfried)**

Provides that a majority of the appointed voting membership shall constitute a quorum for the State Camp Safety Advisory Council, in public health law.

This bill passed both houses but has not yet been delivered to the Governor.

**Differing Diagnoses by Health Care Practitioners related to a Disability (S4641, Persaud/ A4236, Hevesi)**

Ensures that the opinions and determinations of a public assistance applicant's treating health care practitioner are given sufficient weight when making disability determinations by establishing factors to be considered when a health care practitioner upon examination has a different opinion from an applicant's treating health care practitioner's opinion as to an applicant's disability

This bill passed both houses but has not yet been delivered to the Governor.

## *Insurance*

### **Coverage for Eating Disorders (S3101, Biaggi/ A1619, Rozic)**

Requires commercial insurance companies to provide full coverage for all the aspects of eating disorders treatment, including comparable treatment coverage for adults and children.

This bill passed both houses but has not yet been delivered to the Governor.

### **Lactation Coverage (S3387, Kaplan/ A2345, Solages)**

Requires Medicaid coverage to cover lactation support, including lactation care and services, and breastfeeding equipment without requiring a referral from a physician, registered physician assistant, registered nurse practitioner or licensed midwife.

This bill passed both houses but has not yet been delivered to the Governor.

### **Prohibits Mid-Year Formulary Changes (S2849A, Breslin/ A2969A, Peoples-Stokes)**

Prohibits health plans from making prescription drug formulary changes during a contract year except to add generics and a few other exceptions.

This bill passed both houses but has not yet been delivered to the Governor.

### **Medication Synchronization (S3118A, Hoylman/A2785A, Gottfried)**

Allows for insurance coverage of medication synchronization for patients with Medicaid coverage.

This bill passed both houses but has not yet been delivered to the Governor.

### **Shannon's Law (S3852A, Martinez/ A5502A, Jean-Pierre)**

Applies to large group commercial insurance policies and requires coverage of an annual mammogram for those aged thirty-five through thirty-nine upon the recommendation of a physician, and subject to the insurer's determination that the mammogram is medically necessary.

This bill passed both houses but has not yet been delivered to the Governor.

### **Medication Synchronization (S4078, Breslin/A3009, Quart)**

Allows for insurance coverage of medication synchronization for patients with commercial coverage.

This bill passed both houses but has not yet been delivered to the Governor.

### **PA for Certain SUD Treatment Medications (S4808, Harekham/ A2904, Quart)**

Prohibits commercial insurance policies from requiring prior authorization (PA) for certain medications (initial and renewal prescriptions for buprenorphine and long-acting injectable naltrexone) used in the treatment of substance use disorders.

This bill passed both houses but has not yet been delivered to the Governor.

**Denial of Coverage when PA Granted (S5328A, Breslin/ A2880B, Hunter)**

Expands the current prior authorization (PA) exception enacted in 2017 for surgical and invasive procedures to include concurrent symptoms and side effects.

This bill passed both houses but has not yet been delivered to the Governor.

**Contract Terminations (S6318, Rivera/ A8084, Buttenschon)**

Extends the sunset provisions of chapter 451 of the laws of 2007 for an additional two years, to expire June 30, 2021. The law requires that if a contract between a plan and a hospital is not renewed or is terminated by either party, the parties continue to abide by the terms of the contract, including reimbursement terms for a period of two months from the termination or end of the contract period. The provisions require that notice be provided to enrollees within 15 days of the commencement of the two-month period. However, these requirements do not apply where both parties agree to the termination or non-renewal and the insurer provides notice to the insured at least 30 days in advance of the date of contract termination. It also allows the Department of Health to waive the two-month extension if the contract is being terminated for cause.

This bill passed both houses but has not yet been delivered to the Governor.

**PBM Regulation (S6531, Breslin/A2836A, Gottfried)**

Provides for initial registration and later licensure of Pharmacy Benefit Managers (PBMs) under the jurisdiction of the Department of Financial Services and State Department of Health.

This bill passed both houses but has not yet been delivered to the Governor.

**Medicaid Coverage for Licensed Mental Health Practitioner Services (S3421A, Savino/ A648A, Bronson)**

This bill would allow licensed mental health practitioners to bill Medicaid directly for the services they provide.

This bill passed both houses and has not yet been delivered to the Governor.

**Medicaid Coverage for Licensed Clinical Social Workers (S5960, Savino/ A8104, Bronson)**

This bill ensures that care and services provided by licensed clinical social workers is eligible for coverage under Medicaid.

This bill passed both houses and has not yet been delivered to the Governor.

**Insurance Coverage for Outpatient Treatment by Mental Health Practitioners (S6212A, Krueger/ A670A, Bronson)**

Requires commercial insurance plans to provide coverage for outpatient treatment provided by mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts licensed under article 163 of the education law.

This bill passed both houses but has not yet been delivered to the Governor.