

New York State Psychiatric Association, Inc.

Area II Council of the American Psychiatric Association
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Government Relations Office
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Government Relations Priorities for 2023

MONITOR PARITY ENFORCEMENT EFFORTS

Monitor implementation of the Mental Health & Substance Use Disorder Parity Report Act, Chapter 455 of the Laws of 2018 and Chapter 207 of the Laws of 2019. The law requires insurers and health plans to submit key data and information to permit the Department of Financial Services (DFS) to complete an evaluation and analysis of compliance with federal and state mental health and substance use disorder (MH/SUD) parity laws. The Parity Report Act is beginning to produce results as DFS levied a total of \$3.1 million in fines against three insurers for non-compliance. NYSPA will continue to monitor implementation of Behavioral Health Insurance Parity Reforms (BHIPR) enacted as part of the 2019-20 New York State Budget. At present, NYSPA is advocating with DFS to ensure that all carriers doing business in New York follow and conform to the conventions of CPT, including recent changes to documentation requirements for Evaluation and Management codes. Other efforts include:

- **SUPPORT:** Legislation to establish a private right of action that would permit consumers to challenge violations of the MH/SUD parity laws (**\$5300, Fernandez**).

QUALITY OF CARE/PRACTICE ISSUES

- **SUPPORT:** Legislation to remove the sunset on New York's telehealth reimbursement parity law, which would otherwise expire on April 1, 2024. (**\$2776, Rivera/A4940 Woerner**)
- **SUPPORT:** Legislation establishing an exemption from prior authorization for health care professionals who receive at least 90% percent approval for a particular health care service in a six-month period. (**\$2680, Breslin/A859, McDonald**)
- **SUPPORT:** Legislation containing important prior authorization reforms, including shortening the timeframe for plan response, revoking the authority of plans to rescind approvals and prohibiting mid-year prescription formulary changes. (**\$3400, Breslin**)
- **SUPPORT:** Maintain funding for loan forgiveness for psychiatrists willing to work for OMH or in underserved areas. Support legislative and administrative action to further incentivize and increase the number of psychiatrists, especially child and adolescent psychiatrists, willing to practice in underserved areas.
- **SUPPORT:** Physician collective negotiation (**\$4785, Rivera**) and other priorities of the Medical Society of the State of New York (MSSNY).

QUALITY OF CARE/PRACTICE ISSUES (CONTINUED)

As New York State and the nation continue to face rising rates of overdose deaths, with over 107,000 in 2021 according to the most recent data from the Centers for Disease Control and Prevention, NYSPA supports further efforts at the federal and state level to expand access to methadone, an FDA approved life-saving medication treatment for opioid use disorder. Three quarters of drug overdose deaths are due to opioids.

NYSPA supports codification of current flexibilities permitted under federal and state COVID-19 public health emergencies, such as increased access to take home doses of methadone and greater use of telehealth to monitor and safely support individuals in recovery. In addition, NYSPA supports expanded access to methadone outside Opioid Treatment Programs such as prescribing by addiction specialist physicians and dispensing or administering at local pharmacies, for appropriate patients. The joint effort to expand access to methadone, a medication designated as essential by the World Health Organization, is supported by many national and statewide medical specialty and addiction specialty societies including NYSPA. Increased access to methadone will ensure greater access to care, reduce stigma and will reduce health care disparities that have been exacerbated by the current statutory and regulatory framework and that disproportionately impact minoritized and disenfranchised citizens.

SCOPE OF PRACTICE

NYSPA will oppose the following efforts to expand the scopes of practices of other licensed professions into areas heretofore reserved to the practice of medicine, including:

- **OPPOSE:** Legislation that would authorize psychologists to prescribe, administer, or discontinue drugs or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional or behavioral disorders. (**S66, Harckham/A1262, McDonald**)
- **OPPOSE:** Legislation that would require a higher level of consent for prescribing psychiatric medication in nursing homes (**S466, Sepulveda**); and legislation to prohibit the use of ECT.

CORPORATE PRACTICE OF MEDICINE

OPPOSE: Legislation seeking to weaken the existing prohibition against the corporate practice of certain professions (including medicine), including stand-alone or omnibus bills that would authorize non-physician health care professionals to form multi-professional PCs, LLCs or partnerships with physicians or with each other. (**S5581, Scarcella-Spanton/A715, Peoples-Stokes**)

STATE OF THE STATE/2023-24 NYS BUDGET

NYSPA strongly supports Governor Hochul's \$1 billion plan for mental health including increasing the capacity for inpatient psychiatric treatment by 1,000, which includes the reopening of 850 beds in Article 28 community hospitals that had been closed in anticipation of a surge in COVID-19 patients. NYSPA supports investments in new housing units and expansion of outpatient services. NYSPA is awaiting release of the Governor's Executive budget to review the details of the plan and will provide additional comment after further analysis.

- **SUPPORT:**
 - Additional \$150,000 appropriation for NYSPA's Veterans Mental Health – Primary Care Training Initiative, which is designed to enhance the capacity of primary care specialists, psychiatrists, and residents to recognize and treat veteran combat-related mental health and substance use disorders

GET INVOLVED IN ADVOCACY PROGRAM

- Stay tuned for calls to action on pending legislation asking you to write or call your legislator or to use social media to amplify grassroots messaging.
- Your voice is critical for your profession.
- Encourage colleagues to join NYSPA and the APA.
- To learn more visit: <https://nyspa.memberclicks.net>



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