

NYSPA NEWSLETTER

SPRING 2026



Advancing the Profession and
Improving Access to Care

A New Quarterly Publication of the New York State Psychiatric Association, Inc.

AMENDMENTS TO PART 2 REGULATIONS

Members should be aware of recent amendments to federal regulations addressing Confidentiality of Substance Use Disorder Patient Records, 42 CFR Part 2 ("Part 2"). The amendments were adopted in 2024, but took effect on February 16, 2026. In addition to programs and facilities providing substance use disorder (SUD) treatment, Part 2 regulations apply to private practitioners who provide SUD diagnosis, treatment or referral for treatment and who receive federal funds (e.g., Medicare, Medicaid or federal grants). These amendments were intended to better align Part 2 with existing HIPAA rules and regulations, as required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Key amendments to Part 2:

- ◆ Similar to HIPAA, Part 2 now permits a single consent for all uses or disclosures for treatment, payment, and health care operations. However, New York law is more stringent, mandating that physicians obtain express consent for disclosures for treatment and payment purposes, which consent may be in writing, oral or implied (NY Public Health Law § 18(6)). As a result, the NYSPA model HIPAA Notice of Privacy Practices already incorporates language that is more protective of individual rights and does not need to be updated at this time.
- ◆ Limits the use of SUD records and oral testimony in civil, criminal, administrative, and legislative proceedings against patients without patient consent or a court order.
- ◆ Aligns breaches of Part 2 data with the requirements of the HIPAA Breach Notification Rule.
- ◆ Aligns Part 2 patient notice requirements with HIPAA notice requirements.
- ◆ Segregating or segmenting Part 2 records is not required.
- ◆ Establishes a new definition of SUD counseling notes that mirrors the HIPAA definition of psychotherapy notes (must be maintained separately from the rest of the patient's medical record) and may be disclosed solely upon separate patient authorization

For more information, see the HHS Fact Sheet on Part 2 Changes: <https://www.hhs.gov/hipaa/for-professionals/regulatory-initiatives/fact-sheet-42-cfr-part-2-final-rule/index.html>

NEW JERSEY CONTROLLED SUBSTANCE PRESCRIBING REQUIREMENTS

Important for Members who Practice in New Jersey

Effective February 16, 2026, the State of New Jersey officially terminated its COVID-19 State of Emergency and confirmed that state laws regarding the prescribing of Schedule II controlled substances via telemedicine are now back in force. Pursuant to N.J.S.A. 45:1-62(e), Schedule II controlled substances may be prescribed only after an initial in-person examination and a subsequent in-person visit every three months.

Existing patients (those who were being prescribed Schedule II controlled substances during the State of Emergency, i.e., March 9, 2020 through February 16, 2026) may continue to receive Schedule II controlled substances without needing to be seen in-person through May 16, 2026 only. However, existing patients must be seen in-person on or before May 16, 2026 in order to continue receiving their current Schedule II medications after that date.

New patients (not previously seen or not previously receiving Schedule II medications) may not receive a Schedule II controlled substance unless and until an initial in-person visit is conducted.

The law provides an exception for the prescription of a Schedule II stimulant for a patient under age 18 as long as the prescriber uses interactive, real-time, two-way audio and video technology and obtains prior written consent from the minor's parent or guardian.

For more information on these new requirements for New Jersey patients, see <https://www.njconsumeraffairs.gov/dcu>.

ALBANY UPDATE

NYSPA Policy Team: On the Ground for the Profession

While the legislative session is past the halfway mark, the FY 2026-27 budget (originally due April 1) remains in negotiation. The NYSPA Policy Team remains engaged to ensure psychiatry's priorities are protected in the final budget.

CURRENT BUDGET PRIORITIES

We are leading and supporting efforts on these high-priority issues:

Telehealth Payment Parity: Seeking a two-year extension through April 1, 2028.

Prior Authorization Reform: Pushing for health plan formularies to be publicly accessible, longer authorization for chronic conditions, and public disclosure of reasons for denials.

Continuity of Care: Requiring protections for patients when a physician leaves a health plan.

Gambling Disorder Equity: Ensuring that patients receive the same coverage and protections as those with substance use disorders, preventing unnecessary delays or denials.

Excess Medical Malpractice Program: NYSPA is partnering with MSSNY to support an extension of the program, but we oppose any changes that would shift 50% of the costs onto physicians.

Scope of Practice Issues: NYSPA strongly opposing any changes that would permit physician assistants to practice independently.

POST-BUDGET STRATEGY: THE PARITY PIVOT

After budget work concludes, NYSPA will be pivoting to several major bills aimed at enhancing oversight and compliance as we mark the 20th anniversary of Timothy's Law.

Enhanced Auditing (A8714-A/S9927): Would require the Department of Financial Services to audit parity reports and publish a summary of findings.

Codifying Federal Protections (S8426/A8839): Seeks to codify the 2024 federal parity regulations into New York State law, requiring meaningful coverage and prohibiting the use of outdated data to deny care.

Fair Standards for Care (S5241/A6648): Establishes a standard definition of medical necessity and prohibits post-payment "claw backs."

MEMBER ACTION REQUIRED

Member engagement is the backbone of our advocacy. Please stay tuned for Calls to Action to contact your legislators as we advance these critical measures.

Our full memo on the FY 2026-27 executive budget proposal is available on the NYSPA website.



Save the Date! San Francisco Social Event

New York member reception during the
APA Annual Meeting in San Francisco, CA

The Irish Bank

10 Mark Lane, San Francisco

Saturday, May 16

5:30 pm

Please register by emailing
centraloffice@nyspsych.org

Hosted by NYSPA and
New York County Psychiatric Society

Sponsored by PRMS

We hope to see you there!

NGS Medicare has a new name!



NGS Medicare has
rebranded as
Wellpoint Federal.



During the transition period, providers
should continue to access NGS provider
portals and relevant information
at NGSMedicare.com.

NYSPA Election Results

President

Jose Vito, M.D.

Vice-President

Nicholas Batson, M.D.

Secretary

Daniel Safin, M.D.

Treasurer

Elizabeth (EJ) Santos, M.D.

We are also pleased to announce that David Roane, M.D. has
been elected to the position of Area 2 Trustee

CONGRATULATIONS TO ALL!

Terms of office will commence at the end of the Annual Meeting in May, 2026