

SECTION XII

Mental Health Care and Substance Use Services

Please refer to the Schedule of Benefits section of this [Contract; Policy] for Cost-Sharing requirements, day or visit limits, and any Preauthorization or Referral requirements that apply to these benefits which are no more restrictive than those that apply to medical and surgical benefits in accordance with the federal Mental Health Parity and Addiction Equity Act of 2008. *{Drafting Note: HMOs and gatekeeper EPO products may not impose preauthorization requirements on the member for in-network coverage.}*

A. Mental Health Care Services. We Cover the following mental health care services to treat a mental health condition. For purposes of this benefit, “mental health condition” means any mental health disorder as defined in the most recent edition of the [Diagnostic and Statistical Manual of Mental Disorders].

{Drafting Note: If using a source other than the Diagnostic and Statistical Manual of Mental Disorders for the definition of mental health condition, insert the name of the source which must be a generally recognized independent standard of current medical practice, such as the International Classification of Diseases.}

1. Inpatient Services. We Cover inpatient mental health care services relating to the diagnosis and treatment of mental health conditions comparable to other similar Hospital, medical and surgical coverage provided under this [Contract; Policy]. Coverage for inpatient services for mental health care is limited to Facilities defined in New York Mental Hygiene Law Section 1.03(10), such as:

- A psychiatric center or inpatient Facility under the jurisdiction of the New York State Office of Mental Health;
- A state or local government run psychiatric inpatient Facility;
- A part of a Hospital providing inpatient mental health care services under an operating certificate issued by the New York State Commissioner of Mental Health;
- A comprehensive psychiatric emergency program or other Facility providing inpatient mental health care that has been issued an operating certificate by the New York State Commissioner of Mental Health;

and, in other states, to similarly licensed or certified Facilities. [In the absence of a similarly licensed or certified Facility, the Facility must be accredited by the Joint Commission on Accreditation of Health Care Organizations or a national accreditation organization recognized by Us.] *{Drafting Note: The bracketed language regarding facilities outside New York is optional.}*

We also Cover inpatient mental health care services relating to the diagnosis and treatment of mental health conditions received at Facilities that provide residential treatment, including room and board charges. Coverage for residential treatment services is limited to Facilities defined in New York Mental Hygiene Law Section 1.03 and to residential treatment facilities that are part of a comprehensive care center for eating disorders identified pursuant to New York Mental Hygiene Law Article 30; and, in other states, to Facilities that are licensed or certified to provide the same level of treatment. [In the absence of a licensed or certified Facility that provides the same level of treatment, the Facility must be accredited by the Joint Commission on Accreditation of Health Care Organizations or a national accreditation organization recognized by Us.]
{Drafting Note: The bracketed language regarding facilities outside New York is optional.}

- 2. Outpatient Services.** We Cover outpatient mental health care services, including but not limited to partial hospitalization program services and intensive outpatient program services, relating to the diagnosis and treatment of mental health conditions. Coverage for outpatient services for mental health care includes Facilities that have been issued an operating certificate pursuant to New York Mental Hygiene Law Article 31 or are operated by the New York State Office of Mental Health, and crisis stabilization centers licensed pursuant to New York Mental Hygiene Law section 36.01 and, in other states, to similarly licensed or certified Facilities; and services provided by a licensed psychiatrist or psychologist; a licensed clinical social worker who has at least three (3) years of additional experience in psychotherapy; a licensed nurse practitioner; [a licensed mental health counselor;] [a licensed marriage and family therapist;] [a licensed psychoanalyst;];] or a professional corporation or a university faculty practice corporation thereof. [In the absence of a similarly licensed or certified Facility, the Facility must be accredited by the Joint Commission on Accreditation of Health Care Organizations or a national accreditation organization recognized by Us.]

{Drafting Note: The bracketed language regarding the additional three years of experience for social workers may be omitted for plans offered outside the NYSOH that wish to provide coverage for the make available social worker benefit. The bracketed language regarding licensed mental health counselors may be included if plans include those providers in their networks. The bracketed language regarding facilities outside New York is optional.}

B. Substance Use Services. We Cover the following substance use services to treat a substance use disorder. For purposes of this benefit, “substance use disorder” means any substance use disorder as defined in the most recent edition of the [Diagnostic and Statistical Manual of Mental Disorders].

{Drafting Note: If using a source other than the Diagnostic and Statistical Manual of Mental Disorders for the definition of substance use disorder, insert the name of the

source which must be a generally recognized independent standard of current medical practice, such as the International Classification of Diseases.}

- 1. Inpatient Services.** We Cover inpatient substance use services relating to the diagnosis and treatment of substance use disorders. This includes Coverage for detoxification and rehabilitation services for substance use disorders. Inpatient substance use services are limited to Facilities in New York State which are licensed, certified or otherwise authorized by the Office of Alcoholism and Substance Abuse Services ("OASAS"); and, in other states, to those Facilities that are licensed, certified or otherwise authorized by a similar state agency and accredited by the Joint Commission [or a national accreditation organization recognized by Us] as alcoholism, substance abuse or chemical dependence treatment programs.

We also Cover inpatient substance use services relating to the diagnosis and treatment of substance use disorders received at Facilities that provide residential treatment, including room and board charges. Coverage for residential treatment services is limited to Facilities that are licensed, certified or otherwise authorized by OASAS; and, in other states, to those Facilities that are licensed, certified or otherwise authorized by a similar state agency and accredited by the Joint Commission [or a national accreditation organization recognized by Us] as alcoholism, substance abuse or chemical dependence treatment programs to provide the same level of treatment.

{Drafting Note: The bracketed language regarding the national accreditation organization is optional.}

- 2. Outpatient Services.** We Cover outpatient substance use services relating to the diagnosis and treatment of substance use disorders, including but not limited to partial hospitalization program services, intensive outpatient program services, opioid treatment programs including peer support services, counseling, and medication-assisted treatment. Such Coverage is limited to Facilities in New York State that are licensed, certified or otherwise authorized by OASAS to provide outpatient substance use disorder services, and crisis stabilization centers licensed pursuant to New York Mental Hygiene Law section 36.01 and, in other states, to those that are licensed, certified or otherwise authorized by a similar state agency and accredited by the Joint Commission [or a national accreditation organization recognized by Us] as alcoholism, substance abuse or chemical dependence treatment programs. Coverage in an OASAS-certified Facility includes services provided by an OASAS credentialed Provider. Coverage is also available in a professional office setting for outpatient substance use disorder services relating to the diagnosis and treatment of alcoholism, substance use and dependency or by Physicians who have been granted a waiver pursuant to the federal Drug Addiction Treatment Act of 2000 to prescribe Schedule III, IV and V narcotic medications for the treatment of opioid addiction during the Acute detoxification stage of treatment or during stages of rehabilitation.

{Drafting Note: The bracketed language regarding the national accreditation organization is optional.}