



NEW YORK STATE SENATOR

Robert G. Ortt

## Ortt, Senate Pass Package of Bills to Combat State Heroin Crisis and Enhance Treatment Options for Opioid Abuse

ROBERT G. ORTT June 16, 2016

| ISSUE: **COMBATING HEROIN AND OPIOID ADDICTION**

| COMMITTEE: **HEROIN TASK FORCE**



ALBANY – New York State Senate Joint Task Force on Heroin and Opioid Addiction Co-Chair, Senator Rob Ortt (R,C,I – North Tonawanda) and his Senate colleagues today passed a package of legislation to help curb the heroin and opioid abuse crisis and decrease the number of related deaths. The measures address many of the issues raised by the Task Force that were discussed during a series of public forums held across the state over the past year.

The bills focus on addiction prevention, access to treatment, and support for New Yorkers in recovery.

Senator Ortt co-chairs the Task Force with Senators George A. Amedore, Jr. (R,C,I – Rotterdam) and Terrence Murphy (R,C,I – Yorktown). The package passed today includes three bills sponsored by each of the three lawmakers ([S8137](#), [S8138](#), [S8139](#), respectively). Together, the bills proactively tackle the state's rapidly growing heroin and opioid crisis by: expanding insurance coverage for addiction treatment; enhancing treatment options; empowering professionals to administer emergency assistance to individuals; enhancing data collection and reporting on heroin and opioid overdoses; requiring hospitals to educate individuals about available treatment services; requiring prescriber education; and providing insurance coverage for necessary inpatient services for the diagnosis and treatment of substance use disorder.

**Senator Ortt said**, "This broad package of heroin and opioid legislation achieves many of the goals sought by victims, families, and community stakeholders. Throughout 28 community forums from every corner of the state, we heard too many stories of frustration, loss, and heartbreak. But we also heard stories of triumph and recovery. That's what we want this legislation to represent – hope. Through sustained prevention, treatment, and recovery efforts, we believe there is hope to curb this epidemic, strengthen our communities, and help those in need."

The Senate's Joint Task Force on Heroin and Opioid Addiction was created in March 2014 to address the scourge of heroin in communities statewide. Since then, the Task Force has advanced at least 11 bills that have already been signed into law. And this year, Senate Republicans successfully fought to include \$189 million in the budget to strengthen prevention, treatment, recovery and education services.

Last month, the Task Force co-chairs released a comprehensive **report with more than 30 recommendations** that would help improve prevention efforts, increase access to treatment, expand recovery options, and provide greater resources to law enforcement to aid in combating the war on drugs. Many of the recommendations have been incorporated into the final legislative agreement reached by the Senate, Governor and Assembly, which was announced earlier this week and passed today. Highlights of the bills include:

**Prevention:**

**Continuing Education on Addiction and Pain Management for All Prescribers:** Requires training in pain management, palliative care, and addiction for licensed prescribers. On or before July 1, 2017 and once every 3-year period thereafter, prescribers would need to complete three hours of coursework to be developed by the state to increase awareness of the risks presented by prescription opioids.

**Educating Consumers About Prescription Abuse and Preventing Blood Borne Diseases:** Requires the state Office of Alcohol and Substance Abuse Services (OASAS), in consultation with the state Department of Health (DOH), to create educational materials for pharmacies to distribute to consumers about the dangers of misuse and the potential for addiction to prescription drugs; available treatment resources; and proper disposal. Pharmacists participating in the Expanded Syringe Access Program (ESAP) would also be authorized to counsel customers who are purchasing syringes about preventing injection drug abuse; drug treatment; preventing drug overdose; preventing and treating hepatitis C; testing for HIV; and providing pre-exposure and non-occupational post-exposure prophylaxis.

**Limiting Initial Opioid Prescriptions to Seven Days:** Addresses the issue of overprescribing medications for acute pain by requiring an authorized practitioner to limit the initial prescription of certain opioids to seven days instead of the current 30 days. A practitioner

may then prescribe any appropriate renewal, refill, or new opioid or other prescription after the initial seven-day supply.

**Expanding the Reporting of Opioid Overdose Data:** Directs DOH to expand its reporting of opioid overdose data by tracking the number of opioid overdoses in addition to the number of opioid overdose deaths. DOH is also required to examine which areas of the state are experiencing high rates of opioid overdoses and if any areas of the state have reduced overdose rates after receiving state resources or services. These vital statistics must be sent to counties each quarter and will provide a greater understanding of the communities struggling most with this crisis to help better allocate funding for prevention, treatment, and recovery services.

**Treatment:**

**Ending Prior Insurance Authorization for Immediate Access to Inpatient Treatment Services:**

Requires up to a minimum of 14 days of coverage for necessary inpatient treatment of substance use disorder (SUD) without prior approval or concurrent utilization review (UR) during those 14 days for in-network providers.

**Lengthening the Amount of Time Families Can Seek Emergency Drug Treatment:** Extends the amount of time a person can be held to receive emergency services related to substance use from 48 hours to 72 hours. This bill also ensures the provision of adequate discharge planning from treatment facilities, provides individuals with the opportunity to seek further substance use treatment, and requires the dissemination of information on the dangers of long-term substance use and treatment resources.

**Allowing More Licensed Professionals to Administer Overdose Reversal Medicine:** Provides a limited exemption from professional misconduct to administer an opioid antagonist in an emergency situation by licensed professionals who would otherwise be prohibited from

administering drugs.

**Expanding Wraparound Services:** Requires OASAS to enact the Wraparound Services Demonstration Program created in 2014 to prevent relapses after drug treatments. The program continues to provide services to adolescents and adults for up to nine months after the successful completion of a treatment program. These services would be in the form of case management services that address education, legal, financial, social, childcare, and other supports.

**Including Follow-up Treatment Services in Discharge Planning:** Requires hospitals to provide referrals for substance use disorder patients and to coordinate with SUD services programs and ensure patients are made aware of the availability of treatment program that upon treatment, admission, or discharge. Hospitals will develop and distribute written policies and procedures and train personnel who are in direct clinical contact with SUD patients to identify, assess and refer such individuals. The bill also requires OASAS, in consultation with DOH, to develop new or utilize existing educational materials for hospitals to distribute to patients who are confirmed to be suffering from SUD or appear to be suffering from SUD.

**Expanding Insurance Coverage for Addiction Treatment:**

**Using Consistent Criteria To Determine the Medical Necessity of Treatments:** Allows providers to determine the most appropriate level of care for a client with a substance abuse disorder, regardless of what diagnostic tool is used to determine treatment service levels. Providers could use either OASAS's Level of Care for Alcohol and Drug Treatment Referral (LOCADTR) or any other diagnostic tool approved by OASAS – increasing the ability of providers to make sure that patients are able to receive the treatment they need.

**Authorizing Emergency Substance Use Disorder Medication Coverage:** Requires insurance coverage, without prior authorization, for an emergency five-day supply of medications for

treating a substance use disorder when emergency conditions exist. Any copayments or coinsurance collected for the emergency supply must not exceed the copayment or coinsurance otherwise applicable to a 30-day supply of such medication.

**Expanding Access to Naloxone/Opioid Reversal Medication Coverage:** Requires insurance coverage for Naloxone or other overdose reversal medication, whether it is prescribed to a person who is addicted to opioids or their family member covered under the same insurance plan.

**Removing Prior Authorization Requirements for Buprenorphine and Vivitrol:** Eliminates requirements for prior Medicaid authorization for Buprenorphine and Vivitrol prescriptions – drugs that are used in medication-assisted treatment for opioid addiction.

**Funding to Combat Heroin and Opioid Abuse:**

This year's budget included \$189 million in funding to help address the challenging public health crisis caused by heroin and opioid abuse in communities throughout the state. This includes an increase of \$25 million above the Executive Budget proposal that was strongly supported by the members of the Senate's Joint Task Force on Heroin and Opioid Addiction to help strengthen abuse prevention, treatment, recovery, and education services. An agreement entered into by the Senate, Assembly, and Governor this week specifies many of the initiatives that will be supported by the additional \$25 million, including:

- \$1.2 million for 20 new Support Navigator programs statewide, assisting individuals and their families with navigating insurance and OASAS treatment systems. In 2018, funding increases to \$2 million;
- \$1.7 million for 20 new On-Call Peer programs, assisting individuals with substance use disorders in emergency rooms in connecting to treatment. In 2018, funding increases to \$3

million;

- \$1.9 million for 11 new Adolescent Clubhouses, providing safe and welcoming spaces for teens and young adults who are at risk and assisting in prevention and recovery efforts. In 2018, funding increases to \$2.6 million;
- \$3.2 million for 16 new Recovery Community and Outreach Centers, providing supports in a comfortable environment including education and information on how to access treatment services and wellness activities. In 2018, funding increases to \$5.6 million;
- \$1.3 million for 270 new treatment beds, providing a much needed expansion to treatment opportunities. In 2018, funding increases to \$11.2 million;
- \$1.3 million for 2,335 new Opioid Treatment Program slots, providing additional medication assisted treatment opportunities. In 2018, funding increases to \$3.1 million;
- \$3.1 million for 170 new housing units. In 2018, funding increases to \$4.3 million;
- \$1 million in continued funding to supply the public with overdose prevention kits;
- \$3.2 million to continue and consolidate the “Combat Heroin” and “Talk 2 Prevent” campaigns to target specific populations that are at risk for substance use; and
- \$10 million for capital spending to support the creation of new treatment beds and the expansion of Opioid Treatment Program Slots.

The bills have been sent to the Assembly.

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RELATED LEGISLATION

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## 2015-S8137

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to alcohol and substance abuse

June 14, 2016

Signed by Governor

Sponsored by **Robert G. Ort**

Do you support this bill?