



NEW YORK STATE SENATOR

John J. Flanagan

## Senate Majority Leader Flanagan Joins With Governor Cuomo And Legislative Leaders In Agreement On Comprehensive Package To Combat Heroin And Opioid Abuse

JOHN J. FLANAGAN June 14, 2016

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



Senate Majority Leader John Flanagan, Governor Andrew M. Cuomo, Assembly Speaker Carl Heastie and Senate Independent Democratic Conference Leader Jeffrey Klein today announced a final agreement on new legislation to combat heroin and prescription opioid abuse in New York State. The agreement comes on the heels of the recent release of the Governor's Heroin and Opioid Task Force's final report and recommendations.

The legislation builds on the state's aggressive efforts to better monitor prescription drugs, increase access to treatment, and break the cycle of heroin and opioid addiction in New York.

“New York and the nation as a whole is grappling with how to combat heroin and opioid addiction and, with this comprehensive plan, we are continuing to take decisive action to end this epidemic and protect our families and communities,” **Governor Cuomo said.** “This multi-faceted legislative package will increase access to treatment, expand prevention strategies, and save lives by helping ensure New Yorkers struggling with addiction have access to the services and resources they need to get well. I commend Majority Leader Flanagan, Speaker Heastie and Senator Klein for their deep dedication to addressing this issue, and I look forward to our continued work to protect the health and safety of all New Yorkers.”

**Senate Majority Leader John J. Flanagan stated,** “Everyday lives are being lost and families destroyed by the scourge of heroin and opioid abuse. The Senate formed the Joint Task Force on Heroin and Opioid Addiction more than two years ago to fight this epidemic, and our good work has resulted in numerous laws being passed, \$189 million allocated in the 2016-17 budget, and several of the recommendations recently issued by Co-Chairs Senators Terrence Murphy, Robert Ortt, and George Amedore being incorporated into this three-way agreement. I thank the Governor, Assembly Speaker Heastie, and especially the parents and families who have been personally touched by tragedy for working with us to prevent addiction, ensure treatment for those who need it, support people in their recovery, and bring hope to communities battling opioid abuse throughout New York.”

**Assembly Speaker Carl Heastie said,** “The Assembly Majority believes that supporting New Yorkers struggling with substance use is critically important. In some cases, families have fought for years to free their loved ones from the grips of addiction. The recent rise in

opioid-related deaths has raised the alarm that no home or community is immune to tragedy. If we don't act now, more families will have to carry the devastating burden of losing a loved one to drug addiction. For the sake of our children and families, it is imperative that we strengthen access to support and treatment services in every community and target resources to combat this epidemic in all its forms."

**Senate Independent Democratic Conference Leader Jeffrey Klein added,** "Heroin and opioid addictions have ruined so many lives in every corner of this state. We all have come together to combat the scourge of heroin and opioids and to get those addicted the help they need. I especially want to thank Senator Carlucci for his leadership on promoting wraparound services to ensure that needs of those in recovery are met to prevent relapses."

The package of three bills includes wide-ranging initiatives to address the state's current heroin and opioid crisis, including provisions to limit the over-prescription of opioids and remove barriers to access for inpatient treatment and medication. The legislation aims to address issues and concerns raised by individuals in recovery, families, and treatment providers across the state.

## **ELIMINATES BURDENSOME INSURANCE BARRIERS TO INCREASE ACCESS TO NEEDED ADDICTION TREATMENT**

- **Ends Prior Insurance Authorization to Allow for Immediate Access to Inpatient Treatment as Long as Such Treatment is Needed:** People suffering from addiction who seek treatment need immediate access to services, but prior authorization requirements by insurance companies are often a roadblock to admission to inpatient programs. This legislation requires insurers to cover necessary inpatient services for the treatment of substance use disorders for as long as an individual needs them. In addition, the

legislation establishes that utilization review by insurers can begin only after the first 14 days of treatment, ensuring that every patient receives at least two weeks of uninterrupted, covered care before the insurance company becomes involved.

· **Ends Prior Insurance Authorization to Allow for Greater Access to Drug Treatment**

**Medications:** People seeking medication to manage withdrawal symptoms or maintain recovery must often request prior approval from their insurance company, which slows or stops the individual from getting needed medication. This legislation prohibits insurers from requiring prior approval for emergency supplies of these medications. Similar provisions will also apply to managed care providers treating individuals on Medicaid who seek access to buprenorphine and injectable naltrexone.

· **Requires All Insurance Companies Use Objective State-Approved Criteria to Determine the**

**Level of Care for Individuals Suffering from Substance Abuse:** Insurance companies often use inconsistent criteria to determine the covered level of care for persons suffering from substance use disorder, which often creates barriers preventing these individuals from receiving care. This legislation will require all insurers operating in New York State to use objective, state-approved criteria when making coverage determinations for all substance use disorder treatment in order to make sure individuals get the treatment they need.

· **Mandate Insurance Coverage for Opioid Overdose-Reversal Medication:** Naloxone is a medication that revives an individual from a heroin or opioid overdose and has saved thousands of New Yorkers' lives. To expand access to this life-saving medication, the new legislation requires insurance companies to cover the costs of naloxone when prescribed to a person who is addicted to opioids and to his/her family member/s on the same insurance plan.

## TREATMENT ENHANCEMENTS

- **Increase Evaluation for Individuals Incapacitated by Drugs from 48 to 72-Hours:**

Sometimes, individuals suffering from addiction are at risk for overdose and thus pose a threat to themselves. The legislation allows families to seek 72-hours of emergency treatment, an increase from the current 48-hours, for their loved one to stabilize and connect them to longer-term treatment options while also balancing individual rights of the incapacitated individuals.

- **Require Hospitals to Provide Follow-Up Treatment Service Options to Individuals Upon**

**Hospital Discharge:** Hospitals play an important role in caring for individuals suffering from addiction who are often admitted to hospital emergency rooms after an overdose. This legislation requires hospital medical staff to provide discharge-planning services to connect patients who have or are at-risk for substance use disorder with nearby treatment options to provide continuous medical care.

- **Allow More Trained Professionals to Administer Life-Saving Overdose-Reversal**

**Medication:** Overdose-reversal medication such as naloxone saves lives. However, the law does not currently allow certain licensed professionals to administer this medication to individuals overdosing from heroin and opioids. To ensure that more people are able to help reverse overdoses, the new legislation authorizes trained professionals to administer naloxone in emergency situations without risk to their professional license.

- **Expand Wraparound Services to Support Long-Term Recovery:**

Individuals leaving treatment are at great risk for relapse. To provide services during this critical period, the legislation extends the wraparound program launched in 2014 to provide services

to individuals completing treatment including education and employment resources; legal services; social services; transportation assistance, childcare services; and peer support groups.

## PREVENTION

- **Reduce Prescription Limits for Opioids from 30-days to Seven Days:** There is a well-established link between the rise in opioid prescriptions and the current heroin crisis. To reduce unnecessary access to opioids, the legislation lowers the limit for opioid prescriptions for acute pain from 30-days to no more than a 7-day supply, with exceptions for chronic pain and other conditions.
- **Require Ongoing Education on Addiction & Pain Management for All Physicians and Prescribers:** Physicians and other opioid prescribers are important partners in preventing addiction linked to abuse of prescription opioids. To ensure that prescribers understand the risks presented by prescription opioids, the legislation mandates that these health care professionals complete three hours of education every three years on addiction, pain management, and palliative care.
- **Mandate Pharmacists Provide Easy to Understand Information on Risks Associated with Drug Addiction and Abuse:** Consumers may not understand the addiction and abuse risks posed by prescription opioids. To improve consumer awareness about these risks the legislation requires pharmacists to provide educational materials to consumers about the risk of addiction, including information about local treatment services.
- **Require Data Collection on Overdoses and Prescriptions to Assist the State in Providing Additional Protections to Combat this Epidemic:** Current and accurate data is critical to

combat the heroin and opioid crisis yet gaps currently exist in statewide data on overdoses and usage of opioid reversal medication. To fill that gap the legislation requires the State Commissioner of Health to report county-level data on opioid overdoses and usage of overdose-reversal medication on a quarterly basis.

## **ADDITIONAL INITIATIVES TO COMBAT ADDICTION**

The 2016-2017 budget invests nearly \$200 million through the New York State Office of Alcoholism and Substance Abuse Services to combat the heroin and opioid epidemic -- an 82 percent increase in state spending since 2011. This investment includes \$66 million for residential treatment beds, including counseling and support services for roughly 8,000 individuals; \$38 million to fund medication-assisted treatment programs that serve approximately 12,000 clients in residential or outpatient settings; \$25 million in funding for state-operated Addiction Treatment Centers; \$24 million for outpatient services that provide group and individual counseling; and \$8 million for crisis/detox programs to manage and treat withdrawal from heroin and opioids.

Today's agreement also allocates funding to add 270 treatment beds and 2,335 opioid treatment program slots across the state to help New Yorkers suffering from substance use disorder and to expand vital treatment and recovery resources.

The agreement funds additional family support navigators across New York to assist substance users and their families locate and access treatment options and cope with addiction. The agreement will also expand the on-call peer program which partners individuals in recovery with people in hospitals suffering from substance use disorder to help connect these individuals to treatment and other resources upon discharge. The state is

also increasing the number of Recovery Community and Outreach Centers and Adolescent Club Houses statewide to provide safe spaces for teens in recovery that deliver health and wellness services for teens and young adults.

The Governor's Heroin and Opioid Task Force – comprised of a diverse coalition of experts in healthcare, drug policy, advocacy, education, and parents and New Yorkers in recovery – held executive meetings and eight listening sessions across the state – hearing directly from health care providers, family support groups, educators, law enforcement officials, and community members and gathering input that has influenced the initiatives announced today. The task force is co-chaired by Lieutenant Governor Kathy Hochul and New York State Office of Alcoholism and Substance Abuse Services Commissioner Arlene González-Sánchez. The final report and recommendations can be found [here](#). For more information, please visit: [combatheroin.ny.gov](http://combatheroin.ny.gov).

Since 2014, Governor Cuomo has implemented a series of aggressive reforms to combat heroin and opioid addiction, including signing historic Combat Heroin Legislation that year; expanding insurance coverage for substance use disorder treatment; increasing access and enhancing treatment capacity across the state, including a major expansion of opioid treatment and recovery services; implementing the comprehensive I-STOP law to curb prescription drug abuse; and launching a public awareness and prevention campaign to inform New Yorkers about the dangers of heroin use and opioid misuse.

**State Senator Terrence Murphy said,** “Across New York and the nation, far too many lives are being lost due to heroin and opioid addiction. Combating this epidemic has been and remains a top priority of mine and this legislative package will help us save the lives of vulnerable New Yorkers by expanding access to treatment, removing insurance barriers and



enhancing community prevention statewide. I was proud to be a member of the Governor's Heroin Task Force, as well co-chairman of the Senate's task force, both of which played a roles in seeing these reforms enacted. I commend Governor Cuomo, Lt. Governor Hochul, Commissioner González-Sánchez and everyone involved for putting the people of our state ahead of partisan politics.”

New Yorkers struggling with an addiction, or whose loved ones are struggling, can find help and hope by calling the state's HOPEline at **1-877-8-HOPENY (1-877-846-7369)** or by texting HOPENY (Short Code 467369). New Yorkers can find an OASAS-certified substance use disorder treatment provider by using the [OASAS Treatment Availability Dashboard](#).

For help with accessing care and insurance coverage, visit the [Access Treatment](#) page on the OASAS website. To find a naloxone overdose reversal medication training near you, visit the [OASAS opioid overdose prevention trainings](#) page. Visit [www.combatheroin.ny.gov](http://www.combatheroin.ny.gov) for more information on addressing heroin and prescription opioid abuse, including a [Kitchen Table Tool Kit](#) to help start the conversation about the warning signs of addiction and where to get help. For additional tools to use in talking to a young person about preventing underage drinking or drug use, visit the State's [Talk2Prevent](#) website.