



NEW YORK STATE SENATOR

John J. Flanagan

## Senate Majority Leader Flanagan Joins Governor Cuomo For Signing Of Legislation To Combat the Heroin and Opioid Crisis

JOHN J. FLANAGAN June 22, 2016

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



Senate Majority Leader John Flanagan (2<sup>nd</sup> Senate District) today joined Governor Andrew M. Cuomo as he signed legislation to combat the heroin and opioid crisis in New York State. The comprehensive package of bills was passed as part of the 2016 Legislative Session and marks a major step forward in the fight to increase access to treatment, expand community prevention strategies, and limit the over-prescription of opioids in New York.

The legislation includes several best practices and recommendations identified by the Governor's Heroin and Opioid Task Force, and builds on the state's aggressive efforts to break the cycle of heroin and opioid addiction and protect public health and safety. The Governor signed the sweeping legislation, touring the state and visiting the epicenters of the crisis, at events in Buffalo, Long Island and Staten Island.

"New York is leading the way forward in the fight against heroin and opioid addiction, and with this legislation, we are taking an affirmative stand for our families and communities who have suffered from this epidemic's debilitating effects," **Governor Cuomo said.** "I commend the Senate and the Assembly for their hard work and dedication to stopping this epidemic and creating a stronger and healthier New York."

**Senate Majority Leader John J. Flanagan said:** "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 new law. I thank the Governor, our colleagues in the Legislature, 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."

**Senate Independent Democratic Conference Leader Jeffrey Klein said:** "Heroin and opioid addictions ruin lives. As lawmakers, we came together to combat this scourge and get people in every corner of this state the help they need. I thank Governor Cuomo for his leadership

and for signing this life-saving and life-changing package into law."

**President and CEO of Family and Children's Association, Jeffrey Reynolds said:** "Today is truly a monumental day for New York and especially for those who are struggling with substance use disorders. This package of bills will dramatically increase access to treatment services and help thousands find a path to recovery. I'm honored to serve on the Task Force and I thank both the Governor and the legislature for taking decisive action to bring hope to families and communities that have been ravaged by heroin and other drugs. When we look back, I'm hopeful that this will be the day when we finally turned the corner in fighting this epidemic."

The new legislation includes several initiatives to address rampant heroin and opioid abuse across the state, including measures to increase access to life-saving over-dose reversal medication, regulations to limit opioid prescriptions from 30 to 7 days, and ongoing prevention education for all physicians and prescribers. Specifically, the legislation will:

#### **REMOVE BURDENSOME BARRIERS TO ACCESS FOR INPATIENT TREATMENT AND MEDICATION**

- **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 Medicaid recipients 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.

## **ENHANCE ADDICTION TREATMENT SERVICES**

- **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 so that they can be stabilized and

connected to longer-term addiction 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.

## **STRENGTHEN COMMUNITY PREVENTION STRATEGIES**

- **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.

**Lieutenant Governor Kathy Hochul said:** “From the beginning, Governor Cuomo was clear that this effort was not just about policy or procedure, but rather the human cost that was simply too devastating to continue. As someone who has assembled forums all over the state, I have looked into the eyes of the parents burdened with tremendous guilt because they lost their child and often didn’t know how to help. No more can that be the case in New York State. Today we make a commitment to end the heroin and opioid epidemic once and for all.”

**State Senator David Carlucci said:** "Having been at the forefront of fighting this crisis, I am proud to have championed proposals to address one of our state’s most pressing concerns -

the heroin epidemic. This legislative package will enhance services for those who need help most, and with my legislation, will put New York State on the map as the first state in the nation to require over-the-counter Naloxone by law. When it comes to the families that are affected by this devastating problem, working to provide solutions must be our top priority, and I want to thank Governor Cuomo for his leadership."

**Senator Andrew J. Lanza said:** "Governor Cuomo's signing of this comprehensive and critically important legislative package to combat the opioid epidemic raging throughout our state is welcome news and a signal of hope, not only for those suffering through addiction, but for those of us who look forward to the day when we finally win the fight against this terrible scourge. I thank Governor Cuomo for his leadership and for the bipartisan legislative partnership which has brought us to this moment."

**State Senator Terrence Murphy said:** "Too many lives have been cut short as result of this devastating public health crisis. By limiting opioid prescriptions, eliminating insurance barriers to treatment and expanding support for New Yorkers in recovery, this legislation builds on this state's aggressive efforts to combat heroin addiction and reverse the trends of this deadly epidemic. I was proud to be a member of the Governor's Task Force and I thank the Governor for his commitment to building a safer and healthier New York. This is a critical step in helping those in need get on the path to recovery and improving the lives of our most vulnerable New Yorkers."

**State Senator Diane J. Savino said:** "I want to commend Governor Cuomo and my fellow legislative leaders for taking these important steps towards combating opioid abuse and the addiction crisis that's affecting so many people and their families. While there's still work to be done to combat this horrible epidemic thanks to this package of bills, we will finally begin to address the issues and concerns raised by those individuals who have been affected most

with a more comprehensive approach."

**Suffolk County Executive Steve Bellone said:** "This comprehensive legislation marks a major step forward in the fight to combat heroin and opioid abuse and end this harrowing epidemic once and for all. Under the leadership of Governor Cuomo, the state continues to take bold action to increase access to treatment, eliminate unnecessary insurance barriers and ensure widespread distribution of naloxone. I applaud Governor Cuomo, Senator Flanagan and Speaker Heastie for their commitment to our most vulnerable New Yorkers and for listening to the countless families, advocates and individuals across the state who have called for change. This is life-saving legislation will help break the cycle of addiction and ensure our loved-ones have access to the addiction treatment services they need and deserve."

**Nassau County Executive Edward P. Mangano said:** "This legislation is good news as it assists in the battle against drug abuse by providing broader access to treatment, supporting prevention education and increasing access to life saving overdose reversal drugs."

**NYS Office of Alcoholism and Substance Abuse Services Commissioner, Arlene González-Sánchez:** "As Commissioner of New York State's alcoholism and substance use disorder agency, I was honored to travel our great state with Lieutenant Governor Kathy Hochul as a co-lead of the Heroin and Opioids Task Force. Together with Task Force members, we logged many miles across the state to hear firsthand from New Yorkers about their needs. After hearing recommendations from all across the state, Governor Cuomo, the Senate and the Assembly acted quickly to pass this history-making package of bills. This legislation will help to ensure that more lives are saved from the grips of addiction and that solid connections to addiction treatment are made. These bills will further strengthen our care system for New Yorkers battling addiction and support their families now and for years to come. I look forward to



working together with our partners to make this legislative package come alive for all New Yorkers in the coming months."

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.