



NEW YORK STATE SENATOR

Thomas D. Croci

## Senator Croci Announces Historic Package Of Legislation To Combat The Heroin And Opioid Epidemic Is Now Law

THOMAS D. CROCI June 22, 2016

| ISSUE: **COMBATING HEROIN AND OPIOID ADDICTION, HEROIN, THE EPIDEMIC OF HEROIN ABUSE, HEROIN AND OPIOID ADDICTION**

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## PRESS RELEASE

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For Immediate Release

Farmingdale, NY – Senator Thomas Croci (R, C, I – Sayville), member of the State Senate Joint Task Force on Heroin and Opioid Addiction, joined the Governor today as he signed landmark legislation to combat the heroin and opioid epidemic in New York State.

The measures passed in the legislation focus on addiction prevention, access to treatment, and support for New Yorkers in recovery – adding critical new tools to the state’s arsenal to fight the heroin and opioid abuse crisis.

Senator Croci said, "It is a crisis that requires action, not words. We are experiencing a true epidemic of heroin and opioid abuse and overdose deaths. It is an equal opportunity killer in every community and we are taking action to save lives and protect families by passing this legislation in the Senate and Assembly and having the Governor sign into law this historic package of bills today."

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

In May, The Task Force 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 this crisis. Many of the recommendations have been incorporated into the final legislative package signed into law today.

The package includes three bills -- S8137 sponsored by Senator Rob Ortt (R, North Tonawanda), S8138 sponsored by Senator George Amedore (R-C-I, Rotterdam), and S8139 sponsored by Senator Terrence Murphy (R-C-I, Yorktown). Together, they enact a thoughtful, proactive approach to the state's rapidly evolving 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.

The key components and highlights of the legislative package 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 three-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. This legislative package 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.

“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.”

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.”

President and CEO of Family and Children’s Association, Jeffrey Reynolds, who also testified in April at the Senate’s Task Force Long Island Heroin Forum, 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 Governor’s 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."

“No more families should have to experience the heart-wrenching loss of their loved one due to a heroin overdose. I have listened to these stories first-hand throughout the state from mothers, fathers, siblings – this addiction crisis is literally stealing life from every corner of this state and I will continue to work with my colleagues, the public and all stakeholders to combat the scourge of opioids and heroin in our communities. Today is a historic day in New York because we are turning the tide in the fight against heroin and opioid abuse and

addiction,” stated Senator Croci.

The legislation takes effect immediately.

All media inquiries should be directed to Senator Croci’s Communications Specialist, Christine Geed at (631) 398-8044 (call or text) or via email at [geed@nysenate.gov](mailto:geed@nysenate.gov). Inquiries for additional information should be directed to Senator Croci’s Press Secretary, Jennifer Romero at (631) 513-5657 or via email at [jromero@nysenate.gov](mailto:jromero@nysenate.gov)

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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
- 

Relates to alcohol and substance abuse

June 14, 2016

Signed by Governor

Sponsored by **Robert G. Ort**

Do you support this bill?