



NEW YORK STATE SENATOR

Terrence Murphy

## Governor signs Murphy's landmark heroin bill into law

TERRENCE MURPHY June 23, 2016

| COMMITTEE: **HEROIN TASK FORCE**

*Comprehensive Legislative Package Limits Opioid Prescriptions from 30 to 7 Days, Requires Mandatory Prescriber Education on Pain Management to Stem the Tide of Addiction, Eliminates Burdensome Insurance Barriers to Heroin Addiction Treatment*

*Expands Supports for New Yorkers in Recovery, Increases Treatment Beds by 270 and Adds 2,335 Program Slots for Substance Use Disorder in New York*

FARMINGDALE, NY - Governor Andrew M. Cuomo signed landmark legislation sponsored by State Senator Terrence Murphy this week 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.

Governor Andrew Cuomo said in his remarks, "We did a lot of great work. But I think the piece of legislation that is going to affect the most people is what we have done here on heroin and opioid overdose. It is a crisis in this state. It is a crisis in this country. It is a crisis

where the numbers are frightening. The numbers are increasing exponentially and nothing that we've done thus far has made a difference. 85,000 people hospitalized with opioid overdoses, and if it wasn't for NARCAN, we would have lost even more lives. In truth, kudos to the Senate, they raised this issue very early on. Senator Terrence Murphy was on a task force that went all across the state working on this. They came up with a really intelligent plan, and that's the plan that we are enacting into law today with the appropriate funding."

"Too many lives have been cut short as result of this devastating public health crisis," Senator Murphy said. "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."

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."

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."

Assemblywoman Linda B. Rosenthal, Chair of the Committee on Alcoholism and Drug Abuse said: "To address the growing public health crisis that is heroin and opioid addiction, this plan removes barriers to treatment, such as bureaucratic hurdles created by insurance companies, and requires that doctors receive training in prescribing controlled, highly addictive substances. We must continue to focus on dedicating resources to proven methods of harm reduction, expanding access to comprehensive and supportive treatment and recovery programs and investing heavily in targeted prevention education. We must also work to change attitudes surrounding addiction and to ensure that those seeking treatment become deliberative partners with us on a shared path toward their own health and wellbeing. I applaud the Governor for taking this important first step, and look forward to

continuing our work together to tackle the opioid and heroin abuse epidemic."

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."

Maria T. Vullo, Superintendent of Financial Services said: "This administration is paving the way to ending the nationwide opioid epidemic with the signing of this landmark legislation by eliminating insurer prior approval for inpatient care and state approved criteria to determine insurance coverage for inpatient treatment. I am proud to have been a part of Governor Cuomo's Opioid and Heroin Task Force as New York State moves to implement measures that will ultimately make essential services and lifesaving techniques readily available to those in need."

NYS Health Commissioner Dr. Howard Zucker said: "The bills being signed by Governor Cuomo today will help save lives and rescue many people from the agony of drug addiction. I am very proud to serve on the Governor's Heroin Task Force and to be helping to protect the public health by fighting the opioid epidemic."

## ADDITIONAL INITIATIVES TO COMBAT ADDICTION

The FY 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.

As part of the ongoing efforts to address this public health crisis, this funding will allow the addition of 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 funding will also provide 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).

Executive Director of SI partnership for Community Wellness, Adrienne Abbate said: "It's critical that our communities have the information and resources to prevent substance use and connect those in need of treatment with services. With this legislation and its multi-pronged approach, we will be better equipped to combat the opioid scourge plaguing our communities. I thank the Governor, the Legislature, the staff at OASAS, and the advocates from across NYS for their hard work on making this groundbreaking legislation a reality."

CEO of Horizon Health Services, Anne Constantino said: "Heroin and opioid abuse has been a scourge on communities in every corner of the state. As someone who has dealt with addiction first hand, I know all too well this rising public health crisis has cut too many promising lives short. Today we are taking a stand against the epidemic. I thank the Governor for his leadership on this issue, and commend the legislature for rising to the occasion and taking decisive action to bring hope to families and communities suffering from the devastation of opioid abuse across the state."

Executive Director, Human Understanding & Growth Services, Kym Laube said: "We have listened to families across the state who have struggled to cope with the loss and pain associated with addiction. Today, with this bold legislation, we are saying to these families: we hear you, and we are with you. New Yorkers struggling with addiction have found a strong partner in Governor Cuomo, who has been spearheading this call to action from the

onset. These new policies will ensure that those suffering from addiction, and their loved ones, receive the assistance they need and deserve."

CEO of Arms Acres, Patrice Wallace-Moore said: "Heroin and opioid abuse affects thousands of New Yorkers across this state and nation. This legislation provides those struggling to overcome the stronghold of addiction with the support they need to receive critical treatment and get their lives back on track. Under Governor Cuomo's leadership, the state is enacting landmark policies that will carry forth hope and improve the lives of families and entire communities that have been fraught with adversity and inaction. Today, with this legislation, New York State is leading the way for a better tomorrow."

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."

Executive Director of Drug Crisis in Our Backyard, Susan Salomone said: "As a parent who has lost their loved-one to opioid addiction, I have experienced the devastating effects addiction can have on our families and communities first-hand. Now, with this landmark legislation, we are sending a message across this state that those struggling with addiction are not alone. We are ensuring that our families have access to the treatment and support services they need, and putting more New Yorkers on a path to long-term recovery. I am proud to be a member of the Governor's task force to combat heroin and opioid abuse in New York, and I commend Governor Cuomo as well as the State Legislature for enacting

these sweeping reforms."

Director of Services, Addiction Psychiatry at the University of Rochester Medical Center, Patrick Seche said: "As an addiction treatment specialist, I see patients in need every day. I am so pleased that with this legislation, those patients will have better access to services and improved supports. Thank you to Governor Cuomo, the New York State Senate and Assembly, the Task Force, which I was very proud to be a part of, and everyone involved in passing this truly game-changing legislative package that will help New Yorkers who are battling addiction."

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.