

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Phillip Steck, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Alcoholism and Drug Abuse



Phillip Steck
Member of Assembly
110th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Alcoholism and
Drug Abuse

COMMITTEES

Health
Insurance
Judiciary
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Oversight, Analysis and
Investigation

December 15, 2023

The Honorable Carl E. Heastie
Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

On behalf of the Assembly Standing Committee on Alcoholism and Drug Abuse, I respectfully submit the Committee's 2023 Annual Report. During my third year as Chair, I have engaged with the substance use prevention, treatment, and recovery communities by convening meetings with advocates. Additionally, I have attended and participated in numerous events that were held to highlight key initiatives and address challenges for substance use prevention, treatment, and recovery providers.

A key accomplishment of the State Fiscal Year (SFY) 2023-2024 Enacted Budget was addressing the opioid epidemic using a public health approach. As the State's opioid treatment authority, the Office of Addiction Services and Supports (OASAS) will continue to coordinate State-federal relations in addiction services and implement a statewide harm reduction strategy, in collaboration with the Department of Health (DOH), which is designed to meet people where they are and prevent overdoses. In addition, with direction from Governor Hochul, OASAS established a new Division of Harm Reduction to coordinate the implementation of low-threshold, patient-centered approaches in communities around New York State.

This Legislative session, the State has continued the distribution of funding from the Opioid Settlement Fund. In the SFY 2023-24, \$68.7 million will be disbursed with \$7.5 million allocated to local governments and \$61.2 million allocated for state investments. On November 1, 2023 the Opioid Advisory Board published recommendations regarding the investment of future disbursements from the settlement fund and made a concerted effort to reinforce the importance of the three state agencies, OASAS, DOH and the Office of Mental Health, to continue collaborating for the benefit of the many individuals receiving these services who suffer from co-occurring disorders.

In the upcoming Legislative session, the Committee will continue to examine, develop, and consider policies designed to help every New Yorker impacted by a substance use disorder or problem gambling. I am currently coordinating workshops for the committee to engage the members in continued policy development, and to showcase the some of the results of our legislative efforts. I look forward to working with you and my Assembly colleagues to ensure that effective prevention, treatment, and recovery services are accessible to all individuals and families who have been affected by substance use disorder and problem gambling.

Thank you again for your continued support of the Assembly Standing Committee on Alcoholism and Drug Abuse. I look forward to a productive Legislative Session.

Sincerely,

A handwritten signature in cursive script that reads "Phillip Steck".

Phillip Steck

Chair, Assembly Committee on Alcoholism and Drug Abuse

2023 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ALCOHOLISM AND DRUG ABUSE

Phillip Steck

Chair

Committee Members

Majority

Juan Ardila
Alex Bores
Maritza Davila
Emily Gallagher
Chantel Jackson
John T. McDonald III
Karines Reyes
Al Stirpe
John Zaccaro Jr.

Minority

Alec Brook-Krasny
Keith P. Brown – Ranking Member
Scott Gray
Brian Maher

Committee Staff

Alison McLean Lane – Committee Clerk

Program and Counsel Staff

Janice Nieves – Assistant Secretary for Program and Policy

Ayanna Armstrong – Legislative Analyst

Gabriella Cavanagh – Associate Counsel

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I. INTRODUCTION

The Assembly Committee on Alcoholism and Drug Abuse develops and considers legislation impacting programs that provide prevention, treatment, and recovery services for individuals and families in New York State.

The Committee has oversight of the New York State Office of Addiction Services and Supports (OASAS) to ensure that its policies and initiatives will improve and expand access to prevention, treatment, and recovery services statewide. The Members of the Committee bring forth the concerns and ideas from their districts to create a collaborative approach to New York State substance use disorder policy.

OASAS oversees a service system that includes more than 1,600 prevention, treatment, and recovery programs. These programs deliver services to over 700,000 individuals each year. OASAS also operates 12 Addiction Treatment Centers (ATCs), which provide inpatient rehabilitation services to roughly 8,000 people each year and oversees a comprehensive education and prevention program located in 160 school and community-based providers throughout the state.

The Office of Addiction Services and Supports provides education and training to professionals working with clients and administers a professional credentialing process for addiction professionals, including certified alcoholism and substance abuse counselors, prevention professionals and specialists and problem gambling counselors.

II. STATE BUDGET HIGHLIGHTS

The Committee carefully considered funding priorities and how to effectively allocate resources. Some of the highlights from the SFY 2023-24 Enacted Budget include:

A. Heroin and Opioid Abuse Prevention, Treatment, and Recovery Services Funding

With the continuing surge in the heroin and opioid epidemic, the SFY 2023-24 Budget provides **\$402.1 million** to the Office of Addiction Services and Supports (OASAS), to support Opioid Abuse Prevention and Treatment Services

- **State-Operated Services (\$22 million):** This funding supports individuals with heroin/opiate use disorders that seek treatment in the state-operated ATC programs.
- **Naloxone Kits and Training (\$14.2 million):** This funding supports the purchase of Naloxone kits at the State's Opioid Overdose Prevention Programs.

In addition to the continued support, the Legislature provides an increase of **\$105.7 million** in funding from the Executive proposal. This increase is associated with adjusting the Executive's proposed appropriation for the Opioid Settlement Fund to better reflect disbursements occurring in SFY 2024. Total SFY 2023-24 OASAS funding is **\$1.34 billion** which was allocated in recognition of the need for more support and services to expand upon necessary and effective substance use prevention, treatment, and recovery services across the state.

This funding will support a variety of programs and initiatives, including:

- **Jail-Based Substance Use Disorder Treatment (\$8.9 million):** This funding continues support for substance use disorder treatment services in county jails.
- **Mental Health Ombudsman Program (\$1.5 million):** This continued funding supports an independent substance use disorder and mental health ombudsman program.
 - ◇ The Behavioral Health Compliance Fund, will continue to collect penalties from insurers who violate Federal and State behavioral health parity laws, which contributes up to **\$3.5 million** to support the Substance Use and Mental Health Ombudsman Program, for a total of **\$8.5 million**.

B. Substance Abuse Prevention and Intervention Specialists (SAPIS)

SAPIS workers provides violence and drug prevention and intervention services, including individual, group, family, and crisis counseling; classroom presentations; peer programming; social skills groups; and where necessary, referrals to professional services.

The SFY 2023-24 Enacted Budget continues **\$16.9 million** for the continuation of prevention and treatment services for problem gambling and chemical dependency prevention that are delivered by SAPIS workers.

C. Cost of Living Adjustment (COLA)

The Legislature provided a four percent cost of living adjustment (COLA) for human services providers, and authorized the COLA starting April 1, 2023, through March 31, 2024. The total state share for SFY 2024 is \$324.32 million for all Mental Health agencies, with \$21.3 million for OASAS not-for profit providers.

D. Opioid Settlement Fund

The Legislature provides an appropriation of \$212.3 million to match the receipts the State is receiving from the Opioid Settlement Fund in SFY 2024.

IV. SIGNIFICANT LEGISLATION

The Committee is dedicated to supporting legislation that will help ensure the highest quality of care for people living with a substance use and/or problem gambling disorder. In the 2023 legislative session, the Committee developed and advanced important pieces of legislation which included:

1. **Prom and Graduation Safety Program**

A.580 (Rosenthal, L)/ No Same As; Reported to Ways and Means

Every year, thousands of high school students attend prom, graduation ceremonies, and parties with their classmates. Unfortunately, some of those celebrations have had tragic endings due to unsafe practices. These tragic events could be avoided by raising awareness and educating students on safe practices for prom and graduation season.

In an effort to prevent any future tragedies, this legislation would create educational materials for students, educators, parents and guardians with information and tips on how to keep adolescents safe and healthy during prom and graduation season.

2. **Availability of Buprenorphine in Opioid Treatment Programs**

A.1055 (Rosenthal, L)/ S.3347 (Fernandez); Reported to Ways and Means

New York State is working to build a comprehensive harm reduction infrastructure to combat the opioid epidemic, with the goal of making treatment available on demand to people in every region. While the state works to diversify the treatment models it supports, it is imperative that we must ensure that the gold standard of harm reduction treatment, access to buprenorphine, is offered at every opioid treatment program statewide.

This legislation would require every facility that is licensed or authorized to provide services for substance use disorders related to opioids to have at least one practitioner in the facility to receive an appropriate waiver or complete the required training to administer buprenorphine to individuals in their care when deemed an appropriate treatment method.

3. Topher's Law

A.2972 (Woerner)/ S.6499 (Kennedy); Reported to Ways and Means

Topher's Law is an initiative designed to support individuals suffering from co-occurring disorders such as substance use disorders and significant mental health diagnoses by developing models that remove barriers to obtaining treatment and promote greater access to appropriate services. Most current OASAS treatment programs are not able to treat individuals who have significant co-occurring disorders.

This bill would establish an intensive addiction recovery and mental health integrated services for two three-year demonstration programs for individuals with significant addiction and mental health issues who have had multiple and frequent treatment episodes. One of the demonstration programs would be located in a rural area and one would be located in an urban setting as determined by the commissioner.

4. Senior Citizen Substance Abuse Demonstration Program

A.3787 (Cook)/ No Same As; Reported to Ways and Means

One area of need for the elderly, which has not sufficiently been addressed, is the problem of alcoholism and alcohol abuse among the elderly. The Division of Alcoholism and Alcohol Abuse currently estimates the number of problem drinkers aged 60 years and older as 4.9%. However, this number may not be accurate as alcoholism among the elderly is very often masked by a physical illness or misdiagnosed as senility.

This bill would require OASAS in consultation with the State Office for the Aging (SOFA) to establish senior citizen substance use disorder prevention, treatment and education demonstration programs across the state to address the unique needs of elderly individuals with substance use disorders. OASAS currently only operates three programs in the State to treat elderly individuals with a substance use disorder.

5. Addiction Treatment Center Fees

A.4213-A (Kelles)/ S.3390 (Harckham); Reported to Ways and Means

Substance use disorder is a life-threatening disorder that can affect individuals of all social and economic backgrounds. Individuals should not be turned away from lifesaving services based on their ability to pay. Facilities that are operated by OASAS should be held under the same standards as OASAS funded community-based facilities currently are. This legislation seeks to save lives by creating a pathway to treatment regardless of the individual's current ability to pay.

6. Mental Health Evaluations

A.4440 (Steck)/ No Same As; Reported to Ways and Means

This bill requires all substance use disorder treatment-related programs approved by OASAS to provide program participants with a mental health evaluation provided by an individual whose scope of practice includes diagnosing mental health disorders and shall refer the participant for appropriate treatment. For those referred to outpatient treatment, transportation services will be provided to a participant. In addition, OASAS will establish a bureau of qualified licensed providers for all licensed professionals.

7. Substance Disorder Treatment

A.4543 (Steck)/ S.3525 (Fernandez); Reported to Rules

This bill would authorize 14 inpatient addiction treatment centers in New York State to provide treatment for the mental health and health needs of individuals admitted for treatment for a substance use disorder. Such services would be reimbursable by Medicaid or private insurance. Mental health services would be provided by a professional whose scope of practice would include diagnosis and treatment of mental health disorders, and health care services would be provided by a health care professional whose scope of practice includes diagnosing and treating actual or potential health problems.

8. Fentanyl Test Strip Program

A.5005 (Steck)/ S.5671 (Fernandez); Reported to Ways and Means

Overdose deaths involving fentanyl have risen dramatically in recent years. According to the DEA, in 2022 "fentanyl saturates the illegal drug supply in New York City and is a factor in roughly 80% of overdose deaths. Even casual or occasional illegal drug use could be fatal, and with an explosion in counterfeit pills containing fentanyl, a single tablet purchased online or on social media could be deadly."

This bill establishes a fentanyl test strip program that would provide free fentanyl test strips to individuals at specified distribution facilities; establish a public awareness campaign on the dangers of fentanyl and the provision of the test strips. The following facilities would be able to distribute fentanyl test strips under this program: hospital emergency rooms, addiction treatment facilities, facilities for substance use disorder programs, homeless shelters, urgent care centers and mobile medication units.

9. Opioid Settlement Fund Report

A.5807 (Steck)/ No Same As; Reported to Rules

Under current law, the Opioid Settlement board meets at least quarterly, to ensure recommendations are updated and consistent with the needs of the state. The board is required to provide their recommendations for how such funds shall be appropriated.

This bill would require quarterly reporting to be sent to the Opioid Settlement Board, the temporary president of the Senate and Speaker of the Assembly that would include the amount of the Settlement funds disbursed in that quarter and what specific services and programs the funds were used on and what populations the services or programs served.

10. Rural Providers

A.6884 (Kelles)/ S.5396 (Harckham); Reported to Ways and Means

Currently, the Office of Addiction Services and Supports (OASAS) uses a formulary for its reimbursement rates that differentiates the increased financial needs for facilities located within New York City in comparison to the rest of the state. However, this formulary does not consider the increased costs required to maintain facilities where there is a low population density, also known as rural locations.

According to the Center for Disease Control's April 2022 quarterly report, rural counties including Monroe, Erie, and Onondaga are experiencing the highest numbers (outside of NYC) of emergency department visits and hospitalization for opioid overdoses, and Naloxone administrations by emergency medical services.

This bill would provide the OASAS Commissioner the jurisdiction to promulgate rules and regulations for providers who operate in rural locations to consider the additional challenges they face, including increased and additional expenses alleviating some of the financial concerns of rural providers.

11. Gender Identity

A.4903 (Kelles)/S.993-A (Hoylman-Sigal); Signed, Chapter 141 of 2023

It has been proven that the LGBTQ+ community has elevated levels of substance use disorder and studies show that this disparity is caused by demographic, gender related, mental health and socio-economic risk factors. This makes treatment even more important for this group. Additionally, many in the LGBTQ+ community, find it hard to access treatment that aligns with and affirms their gender identity.

This bill would require OASAS to ensure that persons who suffer from a substance use disorder have the right to seek and receive addiction services, care, treatment and rehabilitation services based on the individual's gender identity, gender expression and/or sexual orientation.

12. Reimbursement Transportation

A.1151 (McDonald)/ S.4536-A (Harckham); Reported to Ways and Means

This bill would require OASAS to establish reimbursement rates for peer services and transportation services for individuals with a substance use disorder in settings that are not certified by OASAS and seek Medicaid reimbursement for such services. In determining reimbursement for such services, OASAS must consider federal grants, litigation settlement funds and other such sources. The rates would have to be established by January 1, 2024.

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Alcoholism and Drug Abuse

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 2

2023 SUMMARY SHEET

<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>

BILLS REPORTED FAVORABLE TO:

Codes	0	0	0
Judiciary	0	0	0
Ways and Means	10	0	10
Rules	2	0	2
Floor	0	0	0
TOTAL	12	0	12

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	0	0	0
REMAINING IN COMMITTEE	24	5	29

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
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