

# HEALTH CARE INFORMATION MEMO

MARCH 13, 2025

## New “Network Adequacy” Rules May Present Opportunities to Behavioral Health Agencies

New York State recently adopted “network adequacy” regulations that will require health care plans in the state to improve access to behavioral health services, including mental health and substance use treatment services. The new regulations, which take effect on July 1, 2025, will require a covered plan to:

- either (1) provide an initial appointment for behavioral health care within ten (10) business days of a member’s request, or within seven (7) calendar days following a member’s discharge from a hospital or emergency room visit, or (2) approve a referral to the member to an out-of-network provider, at a cost to the member that does not exceed the in-network rate;
- update its network directory to include specific information about its in-network behavioral health providers, including their practice locations and affiliations, scope of services and linguistic competencies; and
- establish an “access plan” to ensure broader access to behavioral health services. Covered health care plans must certify compliance with the new standards by the end of 2026.

The new network adequacy requirements, particularly the “wait time” standards, may provide an opportunity to behavioral health agencies to expand their services in New York State, since many health plans may have to enlarge their networks of behavioral health providers.

The Department of Financial Services regulations, which apply to commercial health insurers, can be found [here](#), and the Department of Health regulations, which apply to health maintenance organizations (HMOs), can be found [here](#).

If a behavioral health agency believes that a covered health plan’s network may be inadequate in light of the new “wait time” standards, they may be able to negotiate a new contract with that plan. In addition, behavioral health agencies may be positioned to:

- negotiate new contracts with plans for which they are already in-network, and
- position themselves as out-of-network resources for other plans.

The attorneys at Bond, Schoeneck & King, PLLC – including the authors of this memorandum – can be of help.

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