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Senate moves to require greater mental health coverage

By **MICHAEL GORMLEY**, Associated Press

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ALBANY -- The state Senate on Friday advanced a legislative agreement that would require health insurers to cover far more mental health treatment for adults and children.

No one knows how much the proposed "Timothy's Law" would increase health insurance premiums paid by employers and workers, but most advocates and lawmakers expect premiums would rise. The estimated premium increases range from "minimal" to up to 10 percent, said Senate Majority Leader Joseph Bruno.

Mark Amodeo, representing the New York State Conference of Blue Cross and Blue Shield Plans, said the companies' analysis shows premiums would likely rise less than 3.5 percent.

"It might not sound like a lot, but it will add to the cost of coverage at a time when many employers are struggling to maintain the current level of coverage," he said.

But Bruno said the cost, which he thinks will be minimal, is well worth it. He also said health care costs overall would decrease with early treatment of mental illness, as opposed to last-resort emergency room care. The measure passed 55-0.

"Mental illness can result in tragedy if it is not properly treated," said Bruno, a Rensselaer County Republican, in Friday's special session. "The public in some way picks up the tab."

Bruno said Gov. George Pataki told him he would sign the compromise with the Assembly, although Pataki said later that he didn't recall committing to the bill. He said he will review it when it's sent to him, after the Assembly votes on it.

The Democrat-led Assembly could also return in a special session to approve the bill and send it to Pataki to sign it into law or veto. Or, the Assembly and Senate could adopt the bill in January and send it to the next governor.

Democrat Eliot Spitzer and Republican John Faso are running to succeed Pataki, whose last term ends Dec. 31. Pataki and Faso said they would both sign Timothy's Law, but want safeguards to protect businesses from being saddled with another cost mandated by Albany.

"This can truly avoid a tragedy," said state Sen. Hugh Farley, a Schenectady County Republican. He said the cost added to premiums is "a Catch-22, but you have to do it."

The bill that has been proposed in some form for 20 years has been pushed by Tom O'Clair, a resident of Farley's district, since his son, Timothy, died. The 12-year-old killed himself in 2001 after his parents had to give up custody of him so he could get public-funded treatment for emotional problems.

The bill would require insurance companies to cover 30 inpatient days of treatment and 20 outpatient days of treatment for mental illness. Companies would be required to fully cover "biologically based mental illnesses" including major depression, obsessive compulsive disorder, anorexia and binge eating.

Timothy's Law would also require coverage for children with attention deficit disorder, disruptive behavior disorders or disorders that include suicidal symptoms.

The state would pay for the premium increase for companies with 50 or fewer employees.

As tears welled, Tom O'Clair stood next to Bruno as advocates and senators applauded him and his wife, Donna, who have been fixtures in the Capitol, lobbying for the law for years.

"This is Timothy's work, and I'm his hands," the father said.

State Sen. Thomas Libous, a Broome County Republican who sponsored the measure, said Timothy's Law would put New York among the top five states in requiring mental health coverage.

"This is legislation that is long overdue," Libous said

The Senate also confirmed Judge Eugene F. Pigott Jr. of the Buffalo area to join the state's highest court until Dec. 31, 2016. Gov. George Pataki nominated Pigott last month to the Court of Appeals. He will replace Judge George Bundy Smith.

The Senate also confirmed many of Pataki's appointments, including his former communications director, Lisa Dewald Stoll of Oyster Bay, to important governing boards that regulate environmental, business, health and other issues.

Pataki has been criticized for loading up his friends and allies to long-term state roles, but said he is simply fulfilling his duty as governor until his term ends.

Democratic Sen. Liz Krueger complained the minority conference didn't receive notice of Pataki's 61 nominations until late Thursday.

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