S T A T E O F N E W Y O R K

2770

2011-2012 Regular Sessions

I N S E N A T E

February 1, 2011

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law and the social services law, in relation to the administration of certain nutritional supplements to persons residing in facilities operated or regulated by the office for people with developmental disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 13.07 of the mental hygiene law is amended by adding a new subdivision (f) to read as follows:

(F) THE OFFICE SHALL PROVIDE FOR THE ADMINISTRATION OF DIETARY SUPPLEMENTS FOR PERSONS RESIDING IN INTERMEDIATE FACILITIES OPERATED, LICENSED OR REGULATED BY THE OFFICE, WHERE SUCH SUPPLEMENTS ARE PRESCRIBED AS MEDICALLY NECESSARY BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE AND ARE APPROVED PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-A OF THE SOCIAL SERVICES LAW. SUCH FACILITIES SHALL NOT BE REQUIRED TO INCLUDE THE ADMINISTRATION OF DIETARY SUPPLEMENTS IN THE MEDICATION REGIMEN REVIEW REQUIRED TO BE CONDUCTED PURSUANT TO REGULATIONS OF THE OFFICE OR RULES ADOPTED BY THE FACILITY. NO INTERMEDIATE CARE FACILITY SHALL ADOPT RULES PROHIBITING THE ADMINISTRATION OF NUTRITIONAL SUPPLEMENTS THAT MEET THE REQUIREMENTS OF THIS SUBDIVISION.

S 2. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (w) to read as follows:

(W) DIETARY SUPPLEMENTS WHICH ARE PRESCRIBED AS MEDICALLY NECESSARY BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE AND WHICH ARE PROVIDED TO INDIVIDUALS RESIDING IN INTERMEDIATE CARE FACILITIES OPERATED OR LICENSED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.

S 3. Paragraph (a) of subdivision 4 of section 365-a of the social services law, as amended by chapter 493 of the laws of 2010, is amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(a) drugs which may be dispensed without a prescription as required by section sixty-eight hundred ten of the education law; provided, however, that the state commissioner of health may by regulation specify certain of such drugs which may be reimbursed as an item of medical assistance in accordance with the price schedule established by such commissioner. Notwithstanding any other provision of law, additions to the list of drugs reimbursable under this paragraph may be filed as regulations by the commissioner of health without prior notice and comment. PROVIDED, FURTHER, HOWEVER, THAT DIETARY SUPPLEMENTS WHICH ARE PRESCRIBED AS MEDICALLY NECESSARY BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE AND WHICH ARE PROVIDED TO INDIVIDUALS RESIDING IN INTERMEDIATE CARE FACILITIES OPERATED OR LICENSED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, SHALL BE REIMBURSED AS AN ITEM OF MEDICAL ASSISTANCE;

S 4. This act shall take effect immediately.