

3601--A

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

---

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to certified home health agencies

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

1     Section 1. Section 3608 of the public health law is amended by adding  
2     a new subdivision 7 to read as follows:  
3     7. A CERTIFIED HOME HEALTH AGENCY IN OPERATION AS OF THE EFFECTIVE  
4     DATE OF THIS SUBDIVISION AND ISSUED A CERTIFICATE OF APPROVAL BY THE  
5     COMMISSIONER FOR THE PURPOSE OF SERVING INDIVIDUALS ELIGIBLE FOR CARE IN  
6     A FACILITY OR PROGRAM LICENSED BY THE OFFICE OF MENTAL HEALTH OR THE  
7     OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES OR AS A SPECIAL PILOT  
8     PROGRAM HOME HEALTH AGENCY IS AUTHORIZED BY VIRTUE OF SUCH CERTIFICATE  
9     TO ENROLL ANY PATIENT DETERMINED TO REQUIRE CERTIFIED HOME HEALTH AGENCY  
10    SERVICES; PROVIDED, HOWEVER, THAT SUCH AGENCY (A) POSSESSES DEMONSTRATED  
11    CLINICAL EXPERTISE IN THE TREATMENT OF THE POPULATION SPECIFIED IN ITS  
12    CERTIFICATE OF APPROVAL, (B) CONTINUES TO MARKET, ACCEPT FOR ENROLLMENT  
13    AND TREAT MEMBERS OF SUCH POPULATION, AND (C) ENTERS INTO AN AGREEMENT  
14    WITH THE COMMISSIONER THAT DURING THE PERIOD JANUARY FIRST, TWO THOUSAND  
15    THIRTEEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN AND FOR  
16    EACH CALENDAR YEAR PERIOD COMMENCING ON JANUARY FIRST THEREAFTER, RATES  
17    OF PAYMENT BY GOVERNMENTAL AGENCIES ESTABLISHED BY THE COMMISSIONER IN  
18    ACCORDANCE WITH THE RATE-SETTING METHODOLOGY THEN IN EFFECT FOR SERVICES  
19    BY SUCH CERTIFIED HOME HEALTH AGENCY TO INDIVIDUALS ELIGIBLE FOR MEDICAL  
20    ASSISTANCE PURSUANT TO TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL  
21    SERVICES LAW SHALL NOT EXCEED THE AVERAGE OF SUCH RATES OF PAYMENT FOR  
22    CERTIFIED HOME HEALTH AGENCIES CLASSIFIED IN THE DOWNSTATE REGION, AS  
23    DEFINED BY REGULATIONS PROMULGATED PURSUANT TO SECTION THIRTY-SIX  
24    HUNDRED TWELVE OF THIS ARTICLE OR SUCCESSOR LEGISLATION.  
25    S 2. This act shall take effect immediately.

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

LBD07584-02-1