

2770

2011-2012 Regular Sessions

I N   S E N A T E

February 1, 2011

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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:

1     Section 1. Section 13.07 of the mental hygiene law is amended by  
2     adding a new subdivision (f) to read as follows:  
3     (F) THE OFFICE SHALL PROVIDE FOR THE ADMINISTRATION OF DIETARY SUPPLE-  
4     MENTS FOR PERSONS RESIDING IN INTERMEDIATE FACILITIES OPERATED, LICENSED  
5     OR REGULATED BY THE OFFICE, WHERE SUCH SUPPLEMENTS ARE PRESCRIBED AS  
6     MEDICALLY NECESSARY BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE  
7     AND ARE APPROVED PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-A OF THE  
8     SOCIAL SERVICES LAW. SUCH FACILITIES SHALL NOT BE REQUIRED TO INCLUDE  
9     THE ADMINISTRATION OF DIETARY SUPPLEMENTS IN THE MEDICATION REGIMEN  
10    REVIEW REQUIRED TO BE CONDUCTED PURSUANT TO REGULATIONS OF THE OFFICE OR  
11    RULES ADOPTED BY THE FACILITY. NO INTERMEDIATE CARE FACILITY SHALL ADOPT  
12    RULES PROHIBITING THE ADMINISTRATION OF NUTRITIONAL SUPPLEMENTS THAT  
13    MEET THE REQUIREMENTS OF THIS SUBDIVISION.  
14    S 2. Subdivision 2 of section 365-a of the social services law is  
15    amended by adding a new paragraph (w) to read as follows:  
16    (W) DIETARY SUPPLEMENTS WHICH ARE PRESCRIBED AS MEDICALLY NECESSARY BY  
17    A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE AND WHICH ARE PROVIDED TO  
18    INDIVIDUALS RESIDING IN INTERMEDIATE CARE FACILITIES OPERATED OR  
19    LICENSED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.  
20    S 3. Paragraph (a) of subdivision 4 of section 365-a of the social  
21    services law, as amended by chapter 493 of the laws of 2010, is amended  
22    to read as follows:

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

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1 (a) drugs which may be dispensed without a prescription as required by  
2 section sixty-eight hundred ten of the education law; provided, however,  
3 that the state commissioner of health may by regulation specify certain  
4 of such drugs which may be reimbursed as an item of medical assistance  
5 in accordance with the price schedule established by such commissioner.  
6 Notwithstanding any other provision of law, additions to the list of  
7 drugs reimbursable under this paragraph may be filed as regulations by  
8 the commissioner of health without prior notice and comment. PROVIDED,  
9 FURTHER, HOWEVER, THAT DIETARY SUPPLEMENTS WHICH ARE PRESCRIBED AS  
10 MEDICALLY NECESSARY BY A PHYSICIAN LICENSED TO PRACTICE IN THIS STATE  
11 AND WHICH ARE PROVIDED TO INDIVIDUALS RESIDING IN INTERMEDIATE CARE  
12 FACILITIES OPERATED OR LICENSED BY THE OFFICE FOR PEOPLE WITH DEVELOP-  
13 MENTAL DISABILITIES, SHALL BE REIMBURSED AS AN ITEM OF MEDICAL ASSIST-  
14 ANCE;  
15 S 4. This act shall take effect immediately.