

4509

2013-2014 Regular Sessions

I N S E N A T E

April 5, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to establishing a health technology assessment committee within the medical assistance program; and to repeal section 365-d of such law relating to early and periodic screening diagnosis and treatment outreach demonstration projects

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

1 Section 1. Section 365-d of the social services law is REPEALED and a
2 new section 365-d is added to read as follows:
3 S 365-D. HEALTH TECHNOLOGY ASSESSMENT COMMITTEE. 1. THE DEPARTMENT
4 SHALL CONVENE A HEALTH TECHNOLOGY ASSESSMENT COMMITTEE. THE COMMITTEE
5 SHALL, AT THE REQUEST OF THE COMMISSIONER, PROVIDE ADVICE AND MAKE
6 RECOMMENDATIONS REGARDING COVERAGE OF HEALTH TECHNOLOGY FOR PURPOSES OF
7 THE MEDICAL ASSISTANCE PROGRAM. THE COMMISSIONER SHALL CONSULT SUCH
8 COMMITTEE PRIOR TO ANY DETERMINATION TO EXCLUDE FROM COVERAGE ANY HEALTH
9 TECHNOLOGY FROM THE MEDICAL ASSISTANCE PROGRAM. FOR PURPOSES OF THIS
10 SECTION, "HEALTH TECHNOLOGY" MEANS MEDICAL DEVICES AND SURGICAL PROCE-
11 DURES USED IN THE PREVENTION, DIAGNOSIS AND TREATMENT OF DISEASE AND
12 OTHER MEDICAL CONDITIONS.
13 2. (A) THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL CONSIST OF
14 THIRTEEN MEMBERS, WHO SHALL BE APPOINTED BY THE COMMISSIONER AND WHO
15 SHALL SERVE THREE YEAR TERMS; EXCEPT THAT FOR THE INITIAL APPOINTMENTS
16 TO THE COMMITTEE, FIVE MEMBERS SHALL SERVE ONE YEAR TERMS, FIVE MEMBERS
17 SHALL SERVE TWO YEAR TERMS, AND THREE MEMBERS SHALL SERVE THREE YEAR
18 TERMS. COMMITTEE MEMBERS MAY BE REAPPOINTED UPON THE COMPLETION OF THEIR
19 TERMS. WITH THE EXCEPTION OF THE CHAIRPERSON, NO MEMBER OF THE COMMITTEE
20 SHALL BE AN EMPLOYEE OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE
21 STATE, OTHER THAN FOR HIS OR HER MEMBERSHIP ON THE COMMITTEE, EXCEPT FOR
22 EMPLOYEES OF HEALTH CARE FACILITIES OR UNIVERSITIES OPERATED BY THE

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

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1 STATE, A PUBLIC BENEFIT CORPORATION, THE STATE UNIVERSITY OF NEW YORK OR
2 MUNICIPALITIES.

3 (B) THE MEMBERSHIP OF SUCH COMMITTEE SHALL BE AS FOLLOWS:

4 (I) SIX PERSONS LICENSED AND ACTIVELY ENGAGED IN THE PRACTICE OF MEDI-
5 CINE IN THIS STATE;

6 (II) ONE PERSON LICENSED AND ACTIVELY ENGAGED IN THE PRACTICE OF NURS-
7 ING AS A NURSE PRACTITIONER, OR IN THE PRACTICE OF MIDWIFERY IN THIS
8 STATE;

9 (III) ONE PERSON WHO IS A REPRESENTATIVE OF A HEALTH TECHNOLOGY OR
10 MEDICAL DEVICE ORGANIZATION WITH A REGIONAL, STATEWIDE OR NATIONAL
11 CONSTITUENCY AND WHO IS A HEALTH CARE PROFESSIONAL LICENSED UNDER TITLE
12 EIGHT OF THE EDUCATION LAW;

13 (IV) ONE PERSON WITH EXPERTISE IN HEALTH TECHNOLOGY ASSESSMENT WHO IS
14 A HEALTH CARE PROFESSIONAL LICENSED UNDER TITLE EIGHT OF THE EDUCATION
15 LAW;

16 (V) THREE PERSONS WHO SHALL BE CONSUMERS OR REPRESENTATIVES OF ORGAN-
17 IZATIONS WITH A REGIONAL OR STATEWIDE CONSTITUENCY AND WHO HAVE BEEN
18 INVOLVED IN ACTIVITIES RELATED TO HEALTH CARE CONSUMER ADVOCACY; AND

19 (VI) A MEMBER OF THE DEPARTMENT WHO SHALL ACT AS CHAIRPERSON AS DESIG-
20 NATED BY THE COMMISSIONER.

21 3. THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL BE A PUBLIC BODY
22 UNDER ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW AND SUBJECT TO ARTICLE
23 SIX OF THE PUBLIC OFFICERS LAW. THE DEPARTMENT SHALL PROVIDE INTERNET
24 ACCESS TO ALL MEETINGS OF SUCH COMMITTEE THROUGH THE DEPARTMENT'S
25 WEBSITE.

26 4. THE MEMBERS OF THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL
27 RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR
28 EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR
29 DUTIES. COMMITTEE MEMBERS SHALL BE DEEMED TO BE EMPLOYEES OF THE DEPART-
30 MENT FOR PURPOSES OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW, AND
31 SHALL NOT PARTICIPATE IN ANY MATTER FOR WHICH A CONFLICT OF INTEREST
32 EXISTS.

33 5. THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL, AT THE REQUEST OF
34 THE COMMISSIONER, CONSIDER ANY MATTER RELATING TO HEALTH TECHNOLOGY
35 ASSESSMENT. THE COMMISSIONER SHALL PROVIDE THIRTY DAYS PUBLIC NOTICE ON
36 THE DEPARTMENT'S WEBSITE PRIOR TO ANY MEETING OF THE COMMITTEE TO DEVEL-
37 OP RECOMMENDATIONS CONCERNING HEALTH TECHNOLOGY COVERAGE DETERMINATIONS.
38 SUCH NOTICE SHALL INCLUDE A DESCRIPTION OF THE PROPOSED HEALTH TECHNOLO-
39 GY TO BE REVIEWED, THE CONDITIONS OR DISEASES IMPACTED BY THE HEALTH
40 TECHNOLOGY, AND THE PROPOSALS TO BE CONSIDERED BY THE COMMITTEE. THE
41 COMMITTEE SHALL ALLOW INTERESTED PARTIES A REASONABLE OPPORTUNITY TO
42 MAKE AN ORAL PRESENTATION TO THE COMMITTEE RELATED TO THE HEALTH TECH-
43 NOLOGY TO BE REVIEWED AND TO SUBMIT WRITTEN INFORMATION. THE COMMITTEE
44 SHALL CONSIDER ANY INFORMATION PROVIDED BY ANY INTERESTED PARTY, INCLUD-
45 ING, BUT NOT LIMITED TO, HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES,
46 PATIENTS, CONSUMERS AND MANUFACTURERS.

47 6. THE COMMISSIONER SHALL PROVIDE NOTICE OF ANY COVERAGE RECOMMENDA-
48 TIONS DEVELOPED BY THE COMMITTEE BY MAKING SUCH INFORMATION AVAILABLE ON
49 THE DEPARTMENT'S WEBSITE. SUCH PUBLIC NOTICE SHALL INCLUDE: A SUMMARY OF
50 THE DELIBERATIONS OF THE COMMITTEE; A SUMMARY OF THE POSITIONS OF THOSE
51 MAKING PUBLIC COMMENTS AT MEETINGS OF THE COMMITTEE; THE RESPONSE OF THE
52 COMMITTEE TO THOSE COMMENTS, IF ANY; THE CLINICAL EVIDENCE UPON WHICH
53 THE COMMITTEE BASES ITS RECOMMENDATION; AND THE FINDINGS AND RECOMMENDA-
54 TIONS OF THE COMMITTEE.

55 7. THE COMMISSIONER SHALL PROVIDE PUBLIC NOTICE ON THE DEPARTMENT'S
56 WEBSITE OF HIS OR HER FINAL DETERMINATION, INCLUDING: THE NATURE OF THE

1 DETERMINATION; AN ANALYSIS OF THE IMPACT OF THE COMMISSIONER'S DETERMI-
2 NATION ON STATE PUBLIC HEALTH PLAN POPULATIONS AND PROVIDERS; AND THE
3 PROJECTED FISCAL IMPACT TO THE STATE PUBLIC HEALTH PLAN PROGRAMS OF THE
4 COMMISSIONER'S DETERMINATION. THE COMMISSIONER'S FINAL DETERMINATION
5 SHALL NOT OCCUR PRIOR TO THE THIRTIETH DAY FROM THE POSTING OF THE
6 COMMITTEE'S RECOMMENDATIONS AND FINDINGS ON THE DEPARTMENT'S WEBSITE.
7 8. THE RECOMMENDATIONS OF THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE,
8 MADE PURSUANT TO THIS SECTION, SHALL BE BASED ON CLINICAL EFFECTIVENESS
9 AND SAFETY. THE COMMITTEE SHALL TRIENNIALLY REVIEW PREVIOUS RECOMMENDA-
10 TIONS OF THE COMMITTEE AND PERMIT ORAL PRESENTATIONS AND THE SUBMISSION
11 OF NEW EVIDENCE AT SUCH TRIENNIAL REVIEW. SUCH REVIEW SHALL OCCUR PURSU-
12 ANT TO THE PROCEDURE ESTABLISHED IN SUBDIVISIONS FIVE AND SIX OF THIS
13 SECTION. THE COMMISSIONER MAY ALTER OR REVOKE HIS OR HER FINAL DETERMI-
14 NATION AFTER SUCH TRIENNIAL REVIEW PURSUANT TO THE PROCEDURE ESTABLISHED
15 IN SUBDIVISION SEVEN OF THIS SECTION.
16 9. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMIT-
17 TEE.
18 S 2. This act shall take effect immediately.