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

5938--A

2013-2014 Regular Sessions

I N S E N A T E

September 20, 2013

Introduced by Sen. TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to financial responsibility and reimbursement for payment for early intervention services

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

Section 1. The opening paragraph of paragraph (a) of subdivision 3 of section 2559 of the public health law, as amended by section 11 of part A of chapter 56 of the laws of 2012, is amended to read as follows:

[Providers of evaluations and early intervention services, hereinafter collectively referred to in this subdivision as "provider" or "providers",] THE STATE, OR ITS DESIGNATED FISCAL AGENT shall in the first instance and where applicable, seek payment from all third party payors including governmental agencies prior to claiming payment from a given municipality for evaluations conducted under the program and for services rendered to eligible children, provided that, the obligation to seek payment shall not apply to a payment from a third party payor who is not prohibited from applying such payment, and will apply such payment, to an annual or lifetime limit specified in the insured's policy.

S 2. Subdivision 1 of section 2557 of the public health law, as amended by section 4 of part C of chapter 1 of the laws of 2002, is amended to read as follows:

1. The approved costs for an eligible child who receives an evaluation and early intervention services pursuant to this title shall be a charge upon the municipality wherein the eligible child resides AND THE STATE or, where the services are covered by the medical assistance program, upon the social services district of fiscal responsibility with respect to those eligible children who are also eligible for medical assistance.

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

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All approved costs shall be paid in the first instance [and at least quarterly] WITHIN THIRTY DAYS by the appropriate governing body or officer of the municipality AND THE STATE upon vouchers presented and audited in the same manner as the case of other claims against the municipality. Notwithstanding the insurance law or regulations thereunder relating to the permissible exclusion of payments for services under governmental programs, no such exclusion shall apply with respect to payments made pursuant to this title. Notwithstanding the insurance law or any other law or agreement to the contrary, benefits under this title shall be considered secondary to any plan of insurance or state government benefit program under which an eligible child may have coverage. Nothing in this section shall increase or enhance coverages provided for within an insurance contract subject to the provisions of this title.

S 3. Subdivision 5 of section 2557 of the public health law is amended by adding a new paragraph (d) to read as follows:

(D) THE FISCAL AGENT SHALL, AT LEAST QUARTERLY, CONDUCT A RECONCILIATION OF THIRD PARTY REIMBURSEMENT PURSUANT TO SUBDIVISION THREE OF SECTION TWENTY-FIVE HUNDRED FIFTY-NINE OF THIS ARTICLE, AND PROVIDE REIMBURSEMENT IN EQUAL PROPORTION TO THE STATE AND MUNICIPALITY UPON VOUCHERS FOR EARLY INTERVENTION SERVICES THAT HAVE BEEN PAID.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 1, 2013.