

4067

2013-2014 Regular Sessions

I N S E N A T E

March 6, 2013

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

AN ACT to amend the social services law and the public health law, in
relation to providers of goods or services to local social services
districts under the medical assistance program

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

1 Section 1. Subdivision 2 of section 364 of the social services law is
2 amended by adding 2 new paragraphs (i) and (j) to read as follows:
3 (I) ESTABLISHING A POLICY FOR COMPLETING BACKGROUND CHECKS ON PROSPEC-
4 TIVE APPLICANTS FOR THE PROVISION OF GOODS OR SERVICES TO A LOCAL SOCIAL
5 SERVICES DISTRICT UNDER THE MEDICAL ASSISTANCE PROGRAM. SUCH POLICY
6 SHALL APPLY ONE UNIFORM STANDARD FOR THE COMPLETION OF BACKGROUND CHECKS
7 FOR ALL APPLICANTS.
8 (J) ESTABLISHING AN ATTESTATION FOR APPLICANTS FOR THE PROVISION OF
9 GOODS OR SERVICES TO A LOCAL SOCIAL SERVICES DISTRICT UNDER THE MEDICAL
10 ASSISTANCE PROGRAM. SUCH ATTESTATION SHALL BE IN A MANNER AND FORM TO BE
11 DETERMINED BY THE COMMISSIONER OF HEALTH, SHALL BE SIGNED BY THE APPLI-
12 CANT ON BEHALF OF ANY EXECUTIVE OF THE APPLICANT AND ANY AFFILIATE OF
13 THE APPLICANT AND SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING
14 STATEMENTS:
15 (I) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT WAS NEVER
16 CONVICTED OF A CRIME RELATED TO HEALTH CARE FRAUD;
17 (II) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT HAS NEVER
18 VIOLATED THE FEDERAL FALSE CLAIMS ACT;
19 (III) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT WAS NEVER
20 CONVICTED OF AN ACT THAT WOULD BE A FELONY UNDER TITLE K OF THE PENAL
21 LAW;
22 (IV) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT HAS NOT ENGAGED
23 IN BEHAVIOR THAT WOULD INDICATE THAT SUCH EXECUTIVE OR AFFILIATE OF THE
24 APPLICANT IS UNSUITABLE TO PROVIDE SUCH GOODS OR SERVICES; OR

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

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1 (V) ANY OTHER STATEMENT THAT SUCH COMMISSIONER DEEMS NECESSARY.

2 S 2. The public health law is amended by adding a new section 37 to
3 read as follows:

4 S 37. MEDICAL ASSISTANCE PROGRAM; EXCLUDED APPLICANT. THE INSPECTOR
5 SHALL, UPON RECEIVING NOTICE THAT AN APPLICANT, ANY EXECUTIVE OF THE
6 APPLICANT OR ANY AFFILIATE OF THE APPLICANT TO PROVIDE GOODS OR SERVICES
7 TO A LOCAL SOCIAL SERVICES DISTRICT UNDER THE MEDICAL ASSISTANCE PROGRAM
8 HAS: (1) BEEN CONVICTED OF A CRIME RELATED TO HEALTH CARE FRAUD; (2)
9 VIOLATED THE FEDERAL FALSE CLAIMS ACT; (3) BEEN CONVICTED OF AN ACT THAT
10 WOULD BE A FELONY UNDER TITLE K OF THE PENAL LAW; OR (4) ENGAGED IN
11 BEHAVIOR THAT WOULD INDICATE THAT SUCH APPLICANT, EXECUTIVE OR AFFILIATE
12 OF THE APPLICANT IS UNSUITABLE TO PROVIDE SUCH GOODS OR SERVICES, SHALL
13 EXCLUDE SUCH APPLICANT, ANY EXECUTIVE OF THE APPLICANT AND ANY AFFILIATE
14 OF THE APPLICANT FROM SUCH GOODS OR SERVICES.

15 S 3. This act shall take effect on the sixtieth day after it shall
16 have become a law, provided, however, that effective immediately, the
17 addition, amendment and/or repeal of any rule or regulation necessary
18 for the implementation of this act on its effective date is authorized
19 to be made and completed on or before such date.