

5938

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

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:

1 Section 1. The opening paragraph of paragraph (a) of subdivision 3 of
2 section 2559 of the public health law, as amended by section 11 of part
3 A of chapter 56 of the laws of 2012, is amended to read as follows:
4 [Providers of evaluations and early intervention services, hereinafter
5 collectively referred to in this subdivision as "provider" or "providers",]
6 THE STATE, OR ITS DESIGNATED FISCAL AGENT shall in the first
7 instance and where applicable, seek payment from all third party payors
8 including governmental agencies prior to claiming payment from a given
9 municipality for evaluations conducted under the program and for
10 services rendered to eligible children, provided that, the obligation to
11 seek payment shall not apply to a payment from a third party payor who
12 is not prohibited from applying such payment, and will apply such
13 payment, to an annual or lifetime limit specified in the insured's policy.
14 cy.
15 S 2. Subdivision 1 of section 2557 of the public health law, as
16 amended by section 4 of part C of chapter 1 of the laws of 2002, is
17 amended to read as follows:
18 1. The approved costs for an eligible child who receives an evaluation
19 and early intervention services pursuant to this title shall be a charge
20 upon the municipality wherein the eligible child resides or, where the
21 services are covered by the medical assistance program, upon the social
22 services district of fiscal responsibility with respect to those eligible
23 children who are also eligible for medical assistance. All approved
24 costs shall be paid in the first instance [and at least quarterly] WITH-
25 IN THIRTY DAYS by the appropriate governing body or officer of the muni-

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

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1 cipality upon vouchers presented and audited in the same manner as the
2 case of other claims against the municipality. Notwithstanding the
3 insurance law or regulations thereunder relating to the permissible
4 exclusion of payments for services under governmental programs, no such
5 exclusion shall apply with respect to payments made pursuant to this
6 title. Notwithstanding the insurance law or any other law or agreement
7 to the contrary, benefits under this title shall be considered secondary
8 to any plan of insurance or state government benefit program under which
9 an eligible child may have coverage. Nothing in this section shall
10 increase or enhance coverages provided for within an insurance contract
11 subject to the provisions of this title.

12 S 3. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after June 1, 2013.