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I N   S E N A T E

February 10, 2014

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

AN ACT to amend the public health law, in relation to managed long term care plans not being controlled or owned by for-profit health maintenance organizations or insurers

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

1     Section 1. Paragraph (b) of subdivision 1 of section 4403-f of the  
2     public health law, as added by chapter 659 of the laws of 1997, is  
3     amended to read as follows:  
4     (b) "Eligible applicant" means an entity controlled or wholly owned by  
5     one or more of the following: a hospital as defined in subdivision one  
6     of section twenty-eight hundred one of this chapter; a home care agency  
7     licensed or certified pursuant to article thirty-six of this chapter;  
8     [an] A NOT-FOR-PROFIT entity that has received a certificate of authority  
9     pursuant to sections forty-four hundred three, forty-four hundred  
10    three-a or AN INTEGRATED DELIVERY SYSTEM THAT HAS RECEIVED A CERTIFICATE  
11    OF AUTHORITY PURSUANT TO SECTION forty-four hundred eight-a of this  
12    article (as added by chapter six hundred thirty-nine of the laws of  
13    nineteen hundred ninety-six), or a NOT-FOR-PROFIT health maintenance  
14    organization authorized under article forty-three of the insurance law;  
15    or a not-for-profit organization which has a history of providing or  
16    coordinating health care services and long term care services to the  
17    elderly and disabled; PROVIDED, HOWEVER, THAT AN ENTITY OWNED OR  
18    CONTROLLED BY AN ENTITY THAT HAS RECEIVED A CERTIFICATE OF AUTHORITY  
19    PURSUANT TO SECTION FORTY-FOUR HUNDRED THREE OR FORTY-FOUR HUNDRED  
20    THREE-A OF THIS ARTICLE AND HAS RECEIVED A CERTIFICATE OF AUTHORITY  
21    UNDER THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE  
22    LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PROVISION SHALL BE DEEMED  
23    TO BE AN ELIGIBLE APPLICANT.  
24    S 2. Section 4403-f of the public health law is amended by adding a  
25    new subdivision 15 to read as follows:  
26    15. A MANAGED LONG TERM CARE PLAN MAY BE A PARTICIPANT IN AN ACCOUNT-  
27    ABLE CARE ORGANIZATION UNDER ARTICLE TWENTY-NINE-E OF THIS CHAPTER.

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

LBD04700-03-4

1 S 3. Subdivision 6 of section 2999-o of the public health law, as  
2 amended by chapter 461 of the laws of 2012, is amended to read as  
3 follows:

4 6. "Health care provider" includes but is not limited to an entity  
5 licensed or certified under article twenty-eight or thirty-six of this  
6 chapter; an entity licensed or certified under article sixteen, thirty-  
7 one or thirty-two of the mental hygiene law; OR ANY LAWFUL COMBINATION  
8 OF SUCH HEALTH CARE PROVIDERS, INCLUDING BUT NOT LIMITED TO A MANAGED  
9 LONG TERM CARE PLAN UNDER SECTION FORTY-FOUR HUNDRED THREE-F OF THIS  
10 CHAPTER; or a health care practitioner licensed or certified under title  
11 eight of the education law or a lawful combination of such health care  
12 practitioners; and may also include, to the extent provided by regu-  
13 lation of the commissioner, other entities that provide technical  
14 assistance, information systems and services, care coordination and  
15 other services to health care providers and patients participating in an  
16 ACO.

17 S 4. This act shall take effect immediately; provided, however, that  
18 the amendments to section 4403-f of the public health law made by  
19 sections one and two of this act shall not affect the repeal of such  
20 section and shall be deemed repealed therewith.