

STATE OF NEW YORK

5989

2021-2022 Regular Sessions

IN ASSEMBLY

March 4, 2021

Introduced by M. of A. PICHARDO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to equitable and consistent access to outpatient care services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs (iii) and (iv) of subdivision 2 of section 2803-1 of the public health law, as amended by chapter 639 of the laws of 1996, are amended and a new paragraph (v) is added to read as follows:

(iii) demonstrate the hospital's operational and financial commitment to meeting community health care needs, to provide charity care services and to improve access to health care services by the underserved; ~~and~~

(iv) prepare and make available to the public a statement showing on a combined basis a summary of the financial resources of the hospital and related corporations and the allocation of available resources to hospital purposes including the provision of free or reduced charge services~~[-]; and~~

(v) demonstrate the hospital's commitment to ensuring quality care and continuity of care within all treatment settings for all patient populations, including persons covered by Medicaid and the uninsured, in accordance with the provisions of section twenty-eight hundred six-c of this article.

§ 2. The public health law is amended by adding a new section 2806-c to read as follows:

§ 2806-c. Access to outpatient services. Every general hospital shall establish policies that assure equitable and consistent access to outpatient care services that may be provided or arranged by such hospital through hospital-affiliated outpatient departments, clinics, faculty practice plans or private physician practices, regardless of a patient's source of coverage or payment. Such policies shall be incorporated with-

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

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1 in the general hospital's community services plan, in accordance with
2 the provisions of section twenty-eight hundred three-1 of this article.
3 To assist general hospitals in satisfying these obligations and develop-
4 ing such policies, the department shall examine barriers that may exist
5 to assuring equitable access to health care services. In conducting such
6 examination, the department shall consider any state or federal regula-
7 tory or reimbursement policies that discourage equitable access, regard-
8 less of the patient's source of coverage or payment. The department
9 shall also examine the extent to which insurance and managed care bene-
10 fit designs may discourage or preclude access to appropriate services by
11 patients, regardless of the patient's source of coverage or payment. The
12 commissioner shall, on or before December thirty-first, two thousand
13 twenty-two, issue a report on such examination including recommendations
14 for any necessary legislative or regulatory changes to enhance access to
15 services, and detailing any federal statutory or regulatory barriers.

16 § 3. This act shall take effect immediately, except that section one
17 of this act shall take effect on October 1, 2022 and the provisions of
18 such section shall apply to community service plans due and submitted on
19 or after such date.