

STATE OF NEW YORK

7511

2021-2022 Regular Sessions

IN SENATE

November 5, 2021

Introduced by Sen. RATH -- 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 establishing the New York state health care quality and sustainability commission; and to amend the state administrative procedure act, in relation to including workforce impact in a regulatory impact statement

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

1 Section 1. The public health law is amended by adding a new section
2 207-b to read as follows:

3 § 207-b. New York state health care quality and sustainability commis-
4 sion. 1. a. There is hereby established within the department a commis-
5 sion to be known as the "New York state health care quality and sustain-
6 ability commission", hereafter referred to in this section as the
7 "commission", to analyze the impact of proposed legislation on: (i) the
8 quality, delivery and cost of care to be incurred by the impacted health
9 care industry; and (ii) the sustainability of the impacted health care
10 industry and the related workforce.

11 b. The commission shall consist of three members appointed by the
12 governor, one of whom shall be the commissioner and one of whom shall be
13 the superintendent of the department of financial services and six of
14 whom shall be appointed on the recommendation of the legislative lead-
15 ers, one on the recommendation of the temporary president of the senate,
16 one on the recommendation of the speaker of the assembly, one on the
17 recommendation of the minority leader of the senate and one on the
18 recommendation of the minority leader of the assembly. All members shall
19 serve at the pleasure of the governor, and vacancies shall be appointed
20 in the same manner as original appointments. Members of the commission
21 shall serve without compensation, but shall be reimbursed for reasonable
22 travel expenses.

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

LBD13410-02-1

1 2. The governor and the chairs and ranking minority members of the New
2 York state senate and assembly committees on health may request in writ-
3 ing that the commission evaluate proposed legislation. Upon receiving
4 such a request, the commission shall undertake an evaluation of such
5 proposed legislation.

6 3. In evaluating proposed legislation, the commission shall:

7 a. investigate and analyze the current practices of the affected
8 health care industry with regard to the proposed legislation, including
9 the availability of a qualified workforce;

10 b. analyze the most current medical literature regarding the proposed
11 legislation to determine its impact on health care quality and delivery;

12 c. investigate and analyze the potential cost of the proposed legis-
13 lation to consumers and the affected health care industry; and

14 d. investigate and analyze the impact the proposed legislation would
15 have on the sustainability of the affected health care industry, includ-
16 ing but not limited to, the quality and delivery of health care services
17 and the ability of the industry to attract and retain a qualified work-
18 force.

19 4. In evaluating proposed legislation, the commission may hold one or
20 more public hearings, and shall strive to obtain independent and verifi-
21 able information from diverse sources within the health care industry,
22 medical community and among health care consumers with regard to the
23 proposed policy contained in the legislation.

24 5. To assist the commission in its duties and upon the request of the
25 commission, the commissioner is authorized to enter into one or more
26 contracts with independent entities and organizations with demonstrable
27 expertise in health care quality, finance, utilization and actuarial
28 services. For the purposes of this section, the commissioner shall not
29 enter into contracts with entities or organizations owned or controlled
30 by the health care industry impacted by the proposed legislation, or
31 with significant business relationships with such industry.

32 6. Upon completion of its evaluation of proposed legislation pursuant
33 to this section, the commission shall deliver a written report of its
34 findings to the chairs and ranking minority members of the New York
35 state senate and assembly committees on health.

36 § 2. Subdivision 3 of section 202-a of the state administrative proce-
37 dure act is amended by adding a new paragraph (j) to read as follows:

38 (j) Workforce impact. A statement identifying the projected impact of
39 the rule on the workforce, including, but not limited to the availabili-
40 ty of qualified personnel and the impact on the relevant industry's
41 ability to retain and attract qualified personnel.

42 § 3. This act shall take effect immediately.