

STATE OF NEW YORK

7614

2021-2022 Regular Sessions

IN SENATE

December 17, 2021

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

AN ACT to amend the public health law and the social services law, in relation to assuring more equitable access to specialized cancer care; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. This act shall be known and may be cited as the "access to
2 comprehensive cancer enhanced services strategy (ACCESS) demonstration
3 project."

4 § 2. Subparagraph (vi) of paragraph (b) of subdivision 1 of section
5 268-d of the public health law, as added by section 2 of part T of chap-
6 ter 57 of the laws of 2019, is amended to read as follows:

7 (vi) contracts with any national cancer institute-designated cancer
8 center licensed by the department within the health plan's service area
9 that is willing to provide cancer-related inpatient, outpatient and
10 medical services to enrollees in all health plans offering Marketplace
11 coverage in such cancer center's service area under the prevailing
12 terms and conditions that the plan requires of other similar providers
13 to be included in the plan's provider network, provided that such terms
14 shall include reimbursement of such center at no less than and in
15 accordance with the fee-for-service Medicaid payment rate and methodol-
16 ogy applicable to the center's inpatient and outpatient services; and

17 (vii) complies with the insurance law and this chapter requirements
18 applicable to health insurance issued in this state and any regulations
19 promulgated pursuant thereto that do not conflict with or prevent the
20 application of federal requirements; and

21 § 3. Subdivision 4 of section 364-j of the social services law is
22 amended by adding a new paragraph (w) to read as follows:

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

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1 (w) A managed care provider shall provide or arrange, directly or
2 indirectly (including by referral), for access to and coverage of
3 services provided by any national cancer institute-designated cancer
4 center licensed by the department of health within the managed care
5 provider's service area that is willing to agree to provide cancer-re-
6 lated inpatient, outpatient and medical services to participants in all
7 managed care providers offering coverage to medical assistance recipi-
8 ents in such cancer center's service area under the prevailing terms and
9 conditions that the managed care provider requires of other similar
10 providers to be included in the managed care provider's network,
11 provided that such terms shall include reimbursement of such center at
12 no less than and in accordance with the fee-for-service Medicaid payment
13 rate and methodology applicable to the center's inpatient and outpatient
14 services.

15 § 4. Paragraph (c) of subdivision 1 of section 369-gg of the social
16 services law, as amended by section 2 of part H of chapter 57 of the
17 laws of 2021, is amended to read as follows:

18 (c) "Health care services" means (i) the services and supplies as
19 defined by the commissioner in consultation with the superintendent of
20 financial services, and shall be consistent with and subject to the
21 essential health benefits as defined by the commissioner in accordance
22 with the provisions of the patient protection and affordable care act
23 (P.L. 111-148) and consistent with the benefits provided by the refer-
24 ence plan selected by the commissioner for the purposes of defining such
25 benefits, and shall include coverage of and access to the services of
26 any national cancer institute-designated cancer center licensed by the
27 department of health within the service area of the approved organiza-
28 tion that is willing to agree to provide cancer-related inpatient,
29 outpatient and medical services to all enrollees in approved organiza-
30 tions' plans in such cancer center's service area under the prevailing
31 terms and conditions that the approved organization requires of other
32 similar providers to be included in the approved organization's network,
33 provided that such terms shall include reimbursement of such center at
34 no less than and in accordance with the fee-for-service payment rate and
35 methodology applicable to basic health insurance plan payments for inpa-
36 tient and outpatient services; and (ii) dental and vision services as
37 defined by the commissioner.

38 § 5. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law and shall apply to all
40 coverage or policies issued or renewed on or after such effective date
41 and shall expire and be deemed repealed five years after such date;
42 provided, however, that the amendments to subdivision 4 of section 364-j
43 of the social services law made by section three of this act shall not
44 affect the repeal of such section and shall be deemed repealed there-
45 with; provided, further, that the amendments to paragraph (c) of subdivi-
46 sion 1 of section 369-gg of the social services law made by section
47 four of this act shall not affect the expiration of such paragraph and
48 shall be deemed to expire therewith.