S T A T E O F N E W Y O R K

11003

I N A S S E M B L Y

May 6, 2010

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to limiting the method of payment for dental services under the medical assistance program; 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:

Section 1. The social services law is amended by adding a new section 365-l to read as follows:

S 365-L. PAYMENTS FOR DENTAL SERVICES. PAYMENTS FOR ALL DENTAL SERVICES AUTHORIZED PURSUANT TO SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE SHALL NOT BE INCLUDED IN THE CAPITATION PAYMENT FOR SERVICES OR SUPPLIES PROVIDED TO MEDICAL ASSISTANCE RECIPIENTS BY A HEALTH MAINTENANCE ORGANIZATION OR OTHER ENTITY WHICH IS CERTIFIED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR LICENSED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW OR OTHERWISE AUTHORIZED BY LAW TO OFFER COMPREHENSIVE HEALTH SERVICES PLANS TO MEDICAL ASSISTANCE RECIPIENTS.

S 2. Section 367-a of the social services law is amended by adding a new subdivision 13 to read as follows:

13. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION TO THE CONTRARY, FOR ALL DENTAL SERVICES FOR WHICH PAYMENT IS AUTHORIZED PURSUANT TO SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE, PAYMENTS UNDER THIS TITLE SHALL BE MADE AT THE FOLLOWING AMOUNT: FOR ALL DENTAL SERVICES PROVIDED BY DENTISTS AND OTHER AUTHORIZED DENTAL PRACTITIONERS UNDER TITLE VIII OF THE EDUCATION LAW AND FOR ALL DENTAL APPLIANCES, THE ACTUAL COST OF SUCH DENTAL SERVICES AND DENTAL APPLIANCES SUBJECT TO THE MAXIMUM LIMIT ESTABLISHED BY THE DEPARTMENT OF HEALTH FOR THOSE DENTAL SERVICES AND DENTAL APPLIANCES COVERED UNDER THE MEDICAL ASSISTANCE PROGRAM.

S 3. The social services law is amended by adding a new section 369-a to read as follows:

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

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S 369-A. ANALYSIS OF DENTAL EXPENDITURES AND PATTERNS IN RELATION TO THE MEDICAL ASSISTANCE PROGRAM. 1. THE DEPARTMENT OF HEALTH SHALL ANALYZE AND COMPARE EXPENDITURES, UTILIZATION RATES AND UTILIZATION PATTERNS FOR ALL DENTAL SERVICES AND DENTAL APPLIANCES (ALONG WITH ANY RELATED EFFECTS ON EXPENDITURES, RATES AND PATTERNS FOR OTHER SERVICES) FOR MEDICAL ASSISTANCE RECIPIENTS:

(A) FOR THE PERIOD DURING WHICH MEDICAL ASSISTANCE REIMBURSEMENT FOR SUCH DENTAL SERVICES AND DENTAL APPLIANCES WAS PROVIDED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION; AND

(B) FOR THE PERIOD BEGINNING WITH THE DATE ON WHICH MEDICAL ASSISTANCE REIMBURSEMENT FOR SUCH DENTAL SERVICES AND DENTAL APPLIANCES WAS PROVIDED AFTER THE EFFECTIVE DATE OF THIS SECTION.

2. THE DEPARTMENT OF HEALTH SHALL INCLUDE IN ITS ANALYSES AND COMPARISONS, THE EXPENDITURES, UTILIZATION RATES AND UTILIZATION PATTERNS FOR ALL DENTAL SERVICES AND DENTAL APPLIANCES (ALONG WITH ANY RELATED EFFECTS ON EXPENDITURES, RATES AND PATTERNS FOR OTHER SERVICES) PAID FOR BY PRIVATE THIRD-PARTY PAYORS.

3. THE DEPARTMENT OF HEALTH SHALL REPORT ITS FINDINGS TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law, and shall expire and be deemed repealed March 31, 2013.