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

4827

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

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

AN ACT to amend chapter 530 of the laws of 1988 authorizing the department of social services to contract for chronic care case management demonstration programs, in relation to extending the effectiveness of such programs

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

Section 1. Section 1 of chapter 530 of the laws of 1988 authorizing the department of social services to contract for chronic care case management demonstration programs, as amended by chapter 610 of the laws of 1996, is amended to read as follows:

Section 1. Chronic care management demonstration program. 1. The department of [social services] HEALTH, with the advice and consent of the [department of health and the] county of Monroe, is hereby authorized to enter into a contract with chronic care management demonstration programs sponsored by Greater Rochester Health System, Inc.[,] AND Independent Living for Seniors, Inc., OR THEIR SUCCESSOR ST. ANN'S PACE PROGRAM, INC., and providers licensed by article twenty-eight, thirty-six or forty-four of the public health law for the purposes of testing cost-effective methods of coordinating the arrangement and provision of services and to determine the effectiveness of such programs in meeting the needs of persons requiring chronic or long term care, however, notwithstanding anything in article thirty-six of the public health law, for the purposes of the chronic care demonstration program, the commissioner of health may authorize a sponsor to provide a long term home health care program regardless of whether the sponsor is otherwise licensed under article twenty-eight, thirty-six or forty-four of the public health law.

2. The department of [social services] HEALTH with the advice and consent of the [department of health and the] office for the aging, as

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

LBD08498-01-9

appropriate, shall promulgate regulations to effectuate the provisions of this section, including, but not limited to:

(a) eligibility criteria for chronic care management clients;

(b) the responsibilities of the chronic care management programs sponsored by Greater Rochester Health System, Inc. OR ST. ANN'S PACE PROGRAM, INC., and others selected pursuant to subdivision one of this section, which may include, but need not be limited to, the management of comprehensive long term care services, assessment of the client's needs, provision of or arrangement for services, coordination of resources and measures to control costs and monitoring of the quality of care and the efficiency with which services are delivered;

(c) services to be provided or arranged, which may include housing, inpatient and outpatient hospital services, nursing home care, home health care, adult day care, hospice care, respite care, personal care, homemaker services, diagnostic laboratory services, therapeutic and diagnostic radiologic services, emergency services, emergency alarm systems, home delivered meals, physical adaptations to the client's home, physician care (including consultant and referral services), ancillary services, case management services, transportation and related medical services; and

(d) different reimbursement mechanisms which may be utilized, including, but not limited to, reimbursement initially on a cost-related, fee-for-service basis, progressing in phases to a prepaid system or incentive-based system whereby the chronic care management programs would share in any savings or losses. The chronic care management demonstration programs, including those sponsored by Greater Rochester Health System, Inc. OR ST. ANN'S PACE PROGRAM, INC., and others selected pursuant to subdivision one of this section shall be entitled to receive reimbursement for the services of the programs, whether provided directly or under arrangements. The commissioner of social services may waive provisions of the social services law and regulations thereof and the commissioner of health may waive provisions of the public health law and regulations thereof as may be necessary to utilize different reimbursement mechanisms.

3. The provisions of article forty-four of the public health law shall not be applicable to the demonstration programs [or] AND to Greater Rochester Health System, Inc. OR ITS SUCCESSOR ST. ANN'S PACE PROGRAM, INC., and others selected pursuant to subdivision one of this section or any approved successor thereto, for the term of the demonstration herein authorized; provided, however, the department of health[, in consultation with the department of social services,] shall be responsible for regulating the quality, appropriateness and cost-effectiveness of the programs by regulations promulgated pursuant to articles twenty-eight, thirty-six and forty-four, as appropriate, of the public health law. THE POWERS OF ST. ANN'S PACE PROGRAM, INC., HEREUNDER, IN ADDITION TO ANY OTHER POWERS CONFERRED BY THE LAWS UNDER WHICH SUCH ORGANIZATION IS CONSTRUCTED, SHALL INCLUDE THE PURCHASE, LEASE, CONSTRUCTION, RENOVATION, OPERATION AND/OR MAINTENANCE OF A DIAGNOSTIC AND TREATMENT CENTER, SUBJECT TO THE PROVISIONS OF ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, AND, NOTWITHSTANDING ANY PROVISION OF LAW, THE PURCHASE, OPERATION AND/OR MAINTENANCE OF A LONG TERM HEALTH CARE PROGRAM.

4. The commissioner of [social services, in consultation with the commissioner of] health, shall approve only those plans submitted pursuant to this section which;

(a) include a description of the quality-assurance mechanisms to be implemented, as well as other mechanisms designed to protect recipient rights under such programs;

(b) include a description of the enrollment process;

(c) include a description of the marketing plan; and

(d) include a description of the cost-effectiveness of the programs as compared to the cost of services the client would otherwise have been provided.

5. Demonstration programs including Greater Rochester Health System, Inc. OR ITS SUCCESSOR ST. ANN'S PACE PROGRAM, INC. and others selected pursuant to subdivision one of this section or any approved successors thereto, as sponsor of the chronic care management demonstration programs, shall not, by virtue of any reimbursement mechanism utilized by such programs, be deemed to be engaged in the business of insurance or to have entered into an insurance contract, and shall not require licensure or other approvals pursuant to the insurance law.

6. The department of [social services, with the advice and consent of the department of] health[,] shall utilize to the extent possible, all potential sources of funding for such chronic care management demonstration programs including, but not limited to, funding available through titles sixteen, eighteen, nineteen and twenty of the federal social security act and the federal older Americans act of 1965, as amended. Additional sources may include, but are not limited to, private insurances, private payments, donations, etc. Services provided as part of the chronic care management demonstration programs and related administrative expenses not otherwise eligible for coverage under these or other funding sources shall be eligible for reimbursement under the medical assistance program for the purposes of this demonstration as long as federal financial participation is available. The department of social services, with the advice and consent of the department of health, shall take all steps necessary to secure such funding, which may include a submission of waivers pursuant to section one thousand one hundred fifteen and section one thousand nine hundred fifteen of the federal social security act and any and all other waivers necessary to provide services not otherwise eligible for reimbursement under the medical assistance program and to allow for different reimbursement mechanisms. Copies of waiver applications shall be provided to the chairman of the senate finance committee and the chairman of the assembly ways and means committee simultaneously with their submission to the federal government.

7. The department of [social services] HEALTH shall make diligent efforts to coordinate the activities of the department of health, the county of Monroe social services office, and the chronic care management demonstration programs, including Greater Rochester Health System, Inc.[,] OR ITS SUCCESSOR ST. ANN'S PACE PROGRAM, INC., and others selected pursuant to subdivision one of this section, in the implementation of these demonstration programs and to avoid any unnecessary duplication of activities or services. The department of health[, in consultation with the department of social services,] shall be responsible for reviewing the quality, appropriateness and cost-effectiveness of the care provided by the demonstration programs.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 1 of chapter 530 of the laws of 1988 made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.