

7535

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 14, 2009

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Introduced by M. of A. WRIGHT, GREENE, FIELDS, EDDINGTON, STIRPE, JAFFEE  
-- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, GLICK, HEASTIE,  
TOWNS, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the social services law, in  
relation to allocating monies for dental health services in the medi-  
caid managed care program, the child health insurance program, and the  
family health plus program

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

1     Section 1. Section 2511 of the public health law is amended by adding  
2     a new subdivision 21 to read as follows:  
3     21. EVERY APPROVED ORGANIZATION THAT PROVIDES COVERAGE FOR ANY DENTAL  
4     SERVICE SHALL SPEND NOT LESS THAN EIGHTY PERCENT OF THE CAPITATION OR  
5     OTHER STATE FUNDS PAID TO THE APPROVED ORGANIZATION FOR DENTAL SERVICES,  
6     WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY,  
7     FOR THE PROVISION OF DENTAL SERVICES TO PATIENTS BY LICENSED DENTISTS.  
8     IN THE EVENT THE APPROVED ORGANIZATION SPENDS LESS THAN EIGHTY PERCENT  
9     OF THE CAPITATION OR OTHER STATE FUNDS PAID TO IT FOR DENTAL SERVICES,  
10    WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY,  
11    FOR THE PROVISION OF DENTAL SERVICES, THE DIFFERENCE SHALL BE RETURNED  
12    TO THE DEPARTMENT. IN NO EVENT SHALL MORE THAN TWENTY PERCENT OF THE  
13    CAPITATION OR OTHER STATE FUNDS PAID TO THE APPROVED ORGANIZATION FOR  
14    DENTAL SERVICES, WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER  
15    DIRECTLY OR INDIRECTLY, BE SPENT BY ANY APPROVED ORGANIZATION ON ADMIN-  
16    ISTRATIVE SERVICES IN LIEU OF DENTAL SERVICES FOR PATIENTS. THE DEPART-  
17    MENT SHALL PROVIDE AN APPROVED ORGANIZATION WITH A CERTIFICATION LETTER  
18    INDICATING THE AMOUNT OF CAPITATION OR OTHER STATE FUNDS PAID FOR DENTAL  
19    SERVICES, WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR  
20    INDIRECTLY, DURING EACH YEAR PURSUANT TO THIS SECTION.  
21    S 2. Section 364-j of the social services law is amended by adding a  
22    new subdivision 25 to read as follows:

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

LBD10298-01-9

1 25. EVERY MANAGED CARE PROVIDER AND MANAGED CARE PROGRAM THAT PROVIDES  
2 COVERAGE FOR ANY DENTAL SERVICE SHALL SPEND NOT LESS THAN EIGHTY PERCENT  
3 OF THE CAPITATION OR OTHER STATE FUNDS PAID TO THE MANAGED CARE PROVIDER  
4 OR MANAGED CARE PROGRAM FOR DENTAL SERVICES, WHETHER AS A PREMIUM OR IN  
5 ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY, FOR THE PROVISION OF  
6 DENTAL SERVICES TO PATIENTS BY LICENSED DENTISTS. IN THE EVENT THE  
7 MANAGED CARE PROVIDER OR MANAGED CARE PROGRAM SPENDS LESS THAN EIGHTY  
8 PERCENT OF THE CAPITATION OR OTHER STATE FUNDS PAID TO IT FOR DENTAL  
9 SERVICES, WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR  
10 INDIRECTLY, FOR THE PROVISION OF DENTAL SERVICES, THE DIFFERENCE SHALL  
11 BE RETURNED TO THE DEPARTMENT. IN NO EVENT SHALL MORE THAN TWENTY  
12 PERCENT OF THE CAPITATION OR OTHER STATE FUNDS PAID TO THE MANAGED CARE  
13 PROVIDER OR MANAGED CARE PROGRAM FOR DENTAL SERVICES, WHETHER AS A  
14 PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY, BE SPENT BY  
15 ANY MANAGED CARE PROVIDER OR MANAGED CARE PROGRAM ON ADMINISTRATIVE  
16 SERVICES IN LIEU OF DENTAL SERVICES FOR PATIENTS. THE DEPARTMENT SHALL  
17 PROVIDE A MANAGED CARE PROVIDER AND MANAGED CARE PROGRAM WITH A CERTIF-  
18 ICATION LETTER INDICATING THE AMOUNT OF CAPITATION OR OTHER STATE FUNDS  
19 PAID FOR DENTAL SERVICES, WHETHER AS A PREMIUM OR IN ANY OTHER FORM  
20 EITHER DIRECTLY OR INDIRECTLY, DURING EACH YEAR PURSUANT TO THIS  
21 SECTION.

22 S 3. Section 369-ee of the social services law is amended by adding a  
23 new subdivision 8 to read as follows:

24 8. EVERY APPROVED ORGANIZATION THAT PROVIDES COVERAGE FOR ANY DENTAL  
25 SERVICE SHALL SPEND NOT LESS THAN EIGHTY PERCENT OF THE CAPITATION OR  
26 OTHER STATE FUNDS PAID TO THE APPROVED ORGANIZATION FOR DENTAL SERVICES,  
27 WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY,  
28 FOR THE PROVISION OF DENTAL SERVICES TO PATIENTS BY LICENSED DENTISTS.  
29 IN THE EVENT THE APPROVED ORGANIZATION SPENDS LESS THAN EIGHTY PERCENT  
30 OF THE CAPITATION OR OTHER STATE FUNDS PAID TO IT FOR DENTAL SERVICES,  
31 WHETHER AS A PREMIUM OR IN ANY OTHER FORM DIRECTLY OR INDIRECTLY, FOR  
32 THE PROVISION OF DENTAL SERVICES, THE DIFFERENCE SHALL BE RETURNED TO  
33 THE DEPARTMENT. IN NO EVENT SHALL MORE THAN TWENTY PERCENT OF THE CAPI-  
34 TATION OR OTHER STATE FUNDS PAID TO THE APPROVED ORGANIZATION FOR DENTAL  
35 SERVICES, WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR  
36 INDIRECTLY, BE SPENT BY ANY APPROVED ORGANIZATION ON ADMINISTRATIVE  
37 SERVICES IN LIEU OF DENTAL SERVICES FOR PATIENTS. THE DEPARTMENT SHALL  
38 PROVIDE AN APPROVED ORGANIZATION WITH A CERTIFICATION LETTER INDICATING  
39 THE AMOUNT OF CAPITATION OR OTHER STATE FUNDS PAID FOR DENTAL SERVICES,  
40 WHETHER AS A PREMIUM OR IN ANY OTHER FORM EITHER DIRECTLY OR INDIRECTLY,  
41 DURING EACH YEAR PURSUANT TO THIS SECTION.

42 S 4. This act shall take effect January 1, 2010, provided, however,  
43 that the amendments to section 364-j of the social services law made by  
44 section two of this act shall not affect the repeal of such section and  
45 shall be deemed repealed therewith.