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

7887

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. PAULIN, GALEF, MARKEY, REILLY, BRADLEY, CLARK, ESPAILLAT, GOTTFRIED, HOYT, JAFFEE, JOHN, LANCMAN, MAYERSOHN, MOLINARO, PHEFFER, SCHIMMINGER, SPANO, LUPARDO -- Multi-Sponsored by -- M. of A. ALFANO, BENEDETTO, CHRISTENSEN, DelMONTE, HYER-SPENCER, MAISEL, McENENY, NOLAN, PEOPLES, ROSENTHAL, TOWNS, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to direct reimbursement to experts for forensic physical abuse assessments by the crime victims board

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

Section 1. Section 631 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, OR REGULATION TO THE CONTRARY, WHENEVER ANY HOSPITAL LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR CHILD ADVOCACY CENTER ESTABLISHED UNDER SECTION FOUR HUNDRED TWENTY-THREE-A OF THE SOCIAL SERVICES LAW DETERMINES IT APPROPRIATE TO FURNISH SERVICES RELATING TO, THE FORENSIC COMPONENT OF A PHYSICAL ABUSE ASSESSMENT IN ACCORDANCE WITH PROTOCOLS AND REGULATIONS ESTABLISHED BY THE DEPARTMENT OF HEALTH, TO ANY PERSON UNDER THE AGE OF EIGHTEEN (I) WHO IS THE SUBJECT OF A REPORT TO THE CENTRAL REGISTER, AS PROVIDED IN SECTION FOUR HUNDRED TWENTY-TWO OF THE SOCIAL SERVICES LAW, OR (II) UPON THE REQUEST OF LAW ENFORCEMENT PERSONNEL, A REPRESENTATIVE OF THE OFFICE OF THE DISTRICT ATTORNEY, OR A HOSPITAL LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR CHILD ADVOCACY CENTER, SUCH HOSPITAL OR CHILD ADVOCACY CENTER SHALL ENGAGE A CHILD ABUSE PEDIATRICIAN AS DEFINED BY THE AMERICAN BOARD OF PEDIATRICS, TO PROVIDE SUCH SERVICES TO THE PERSON WITHOUT CHARGE AND SUCH HOSPITAL OR CHILD ADVOCACY CENTER SHALL BILL THE BOARD DIRECTLY. THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL PROMULGATE REGULATIONS TO DEFINE THE SPECIFIC SERVICES TO BE COVERED BY THE

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

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PHYSICAL ABUSE ASSESSMENT REIMBURSEMENT FEE WHICH SHALL INCLUDE PHYSICAL EXAMINATION OF SUCH PERSON, DOCUMENTATION OF INJURY WITH PHOTOGRAPHS AND/OR COLPOSCOPY, REVIEW OF SUCH PERSON'S PRIOR MEDICAL RECORDS, REVIEW OF RADIOGRAPHS WITH RADIOLOGISTS, CONSULTATION WITH SUCH PERSON'S TREATING PHYSICIANS AND OTHER EXPERTS, AND MEETING WITH CHILD PROTECTIVE SERVICES, LOCAL LAW ENFORCEMENT AND THE PROSECUTION IN CONNECTION WITH INVESTIGATIONS BY MULTI-DISCIPLINARY TEAMS. THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL ALSO PROMULGATE REGULATIONS TO IMPLEMENT, AND PROVIDE FORMS FOR, THE DIRECT REIMBURSEMENT PROCEDURE. THE RATE FOR REIMBURSEMENT SHALL NOT EXCEED EIGHT HUNDRED DOLLARS, WHICH RATE WILL BE REVIEWED AND ADJUSTED ANNUALLY BY THE BOARD IN CONSULTATION WITH THE DEPARTMENT OF HEALTH. THE HOSPITAL OR CHILD ADVOCACY CENTER PROVIDING SUCH SERVICES MUST ACCEPT THIS FEE AS PAYMENT IN FULL FOR THESE SPECIFIED SERVICES. NO ADDITIONAL BILLING OF THE PERSON ASSESSED OR REFERRING AGENCY FOR SUCH SERVICES IS PERMISSIBLE.

(B) ON OR BEFORE THE THIRTIETH DAY OF THE SIXTH MONTH FOLLOWING THE INITIAL TWELVE-MONTH PERIOD IN WHICH THE PHYSICAL ABUSE ASSESSMENT PROGRAM ESTABLISHED UNDER PARAGRAPH (A) OF THIS SUBDIVISION HAS BEEN IN OPERATION, THE CHAIRPERSON SHALL MAKE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY CONCERNING THE PHYSICAL ABUSE ASSESSMENT PROGRAM. SUCH REPORT SHALL INCLUDE AN EVALUATION OF THE EFFICACY OF SUCH PROGRAM IN IDENTIFYING CHILD ABUSE OR MALTREATMENT. SUCH REPORT SHALL ALSO RECOMMEND WHETHER THIS PROGRAM SHOULD BE EXPANDED AND SHALL ESTIMATE THE FINANCIAL COST, IF ANY, OF SUCH PROPOSED EXPANSION.

S 2. This act shall take effect on April 1, 2010. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.