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

310

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services, Children and Families

AN ACT to amend the social services law, in relation to including portable x-ray services as a covered service for medical assistance

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

Section 1. Section 365-a of the social services law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, MEDICAL ASSISTANCE SHALL ALSO INCLUDE PAYMENT FOR RADIOLOGIC SERVICES, INCLUDING PORTABLE X-RAY AND IMAGING SERVICES, INDEPENDENT PHYSIOLOGICAL LABORATORY SERVICES AND RELATED DIAGNOSTIC ULTRASOUND PROCEDURES, PROVIDED IN MOBILE SETTINGS PURSUANT TO THE ORDER OF A PHYSICIAN, AND UNDER A PHYSICIAN'S SUPERVISION. FOR THE PURPOSES OF THIS SUBDIVISION, RADIOLOGIC SERVICES PROVIDED UNDER A PHYSICIAN'S SUPERVISION SHALL INCLUDE RADIOLOGIC SERVICES WHERE:

(A) THE SUPERVISING PHYSICIAN OWNS THE RADIOLOGIC EQUIPMENT AND SUCH EQUIPMENT IS OPERATED ONLY BY SUCH PHYSICIAN'S EMPLOYEES; OR

(B) THE OWNER OF THE RADIOLOGIC EQUIPMENT EMPLOYS OR CONTRACTS WITH A SUPERVISING PHYSICIAN WHO CERTIFIES ON AN ANNUAL BASIS THAT:

(I) HE OR SHE PERIODICALLY CHECKS THE OPERATING OR PROCEDURE MANUALS RELATING TO SUCH EQUIPMENT;

(II) HE OR SHE OBSERVES THE PERFORMANCE OF THE OPERATORS OF SUCH EQUIPMENT;

(III) HE OR SHE HAS VERIFIED THAT THE EQUIPMENT AND PERSONNEL MEET ALL APPLICABLE FEDERAL, STATE AND LOCAL LICENSURE AND REGISTRATION REQUIREMENTS; AND

(IV) SAFE PROCEDURES ARE USED IN THE OPERATION OF SUCH EQUIPMENT.

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

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FOR PURPOSES OF THIS SUBDIVISION, "MOBILE SETTINGS" SHALL BE DEEMED TO MEAN FACILITIES LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, OR SUCH OTHER LONG TERM CARE FACILITIES AND ASSISTED LIVING FACILITIES THAT ARE LICENSED AND REGULATED BY THE DEPARTMENT OF HEALTH.

S 2. This act shall take effect immediately.