

7090

I N S E N A T E

March 11, 2010

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to Medicaid payments to free-standing clinics licensed pursuant to article thirty-one of the mental hygiene law

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

1 Section 1. Subparagraph (ii) of paragraph (e) of subdivision 2-a of
2 section 2807 of the public health law, as amended by section 15 of part
3 C of chapter 58 of the laws of 2009, is amended to read as follows:
4 (ii) Notwithstanding this subdivision and any other contrary provision
5 of law, the commissioner may incorporate within the payment methodology
6 described in subparagraph (i) of this paragraph payment for services
7 provided by facilities pursuant to licensure under the mental hygiene
8 law, provided, however, that such APG payment methodology may be phased
9 into effect in accordance with a schedule or schedules as jointly deter-
10 mined by the commissioner, the commissioner of mental health, the
11 commissioner of alcoholism and substance abuse services, and the commis-
12 sioner of mental retardation and developmental disabilities. NOTWITH-
13 STANDING ANY CONTRARY PROVISION OF LAW, ANY SUCH APG PAYMENT OR ANY
14 OTHER NEW PAYMENT METHODOLOGY ESTABLISHED ON OR AFTER THE EFFECTIVE DATE
15 OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN THAT AMENDED THIS SUBPAR-
16 AGRAPH, FOR FREE-STANDING CLINICS LICENSED PURSUANT TO ARTICLE
17 THIRTY-ONE OF THE MENTAL HYGIENE LAW SHALL INCLUDE ENHANCED REIMBURSE-
18 MENT FOR SERVICES PROVIDED TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN WHO
19 ARE SERIOUSLY EMOTIONALLY DISTURBED AND INDIVIDUALS EIGHTEEN YEARS OF
20 AGE AND OLDER WHO HAVE A SERIOUS AND PERSISTENT MENTAL ILLNESS. INDIVID-
21 UALS UNDER THE AGE OF EIGHTEEN WHO ARE SERIOUSLY EMOTIONALLY DISTURBED
22 AND INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER WHO HAVE A SERIOUS AND
23 PERSISTENT MENTAL ILLNESS SHALL MEAN INDIVIDUALS WHO MEET CRITERIA
24 DEFINED BY THE COMMISSIONER OF MENTAL HEALTH IN REGULATION.
25 S 2. Paragraph (e) of subdivision 2-a of section 2807 of the public
26 health law is amended by adding a new subparagraph (iii) to read as
27 follows:

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

LBD16407-01-0

1 (III) THE COMMISSIONER OF MENTAL HEALTH, IN CONSULTATION WITH THE
2 COMMISSIONER, SHALL PROVIDE INITIAL AND CONTINUING REPORTS TO THE GOVER-
3 NOR, TEMPORARY PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE,
4 SPEAKER OF THE ASSEMBLY, AND MINORITY LEADER OF THE ASSEMBLY ON THE
5 IMPACT OF THE PROPOSED APG PAYMENT METHODOLOGY OR ANY OTHER NEW PAYMENT
6 METHODOLOGY ESTABLISHED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARA-
7 GRAPH ON FREE-STANDING CLINICS LICENSED PURSUANT TO ARTICLE THIRTY-ONE
8 OF THE MENTAL HYGIENE LAW.

9 (A) THE INITIAL REPORT SHALL BE PROVIDED PRIOR TO THE IMPLEMENTATION
10 OF ANY APG PAYMENT RATES OR ANY OTHER NEW PAYMENT METHODOLOGY ESTAB-
11 LISHED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH FOR
12 FREE-STANDING CLINICS LICENSED PURSUANT TO ARTICLE THIRTY-ONE OF THE
13 MENTAL HYGIENE LAW AND SHALL INCLUDE AN ANALYSIS OF THE FINANCIAL IMPACT
14 ON SUCH CLINICS, INCLUDING MEDICAL ASSISTANCE PAYMENT LOSSES AND GAINS
15 FOR EACH CLINIC AFFECTED BY THE PROPOSED APG PAYMENT METHODOLOGY AND THE
16 POTENTIAL IMPACT ON ACCESS TO MENTAL HEALTH SERVICES BY PATIENTS,
17 INCLUDING BUT NOT LIMITED TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN WHO
18 ARE SERIOUSLY EMOTIONALLY DISTURBED AND INDIVIDUALS EIGHTEEN YEARS OF
19 AGE AND OLDER WHO HAVE A SERIOUS AND PERSISTENT MENTAL ILLNESS.

20 (B) AN ANNUAL REPORT SHALL BE PROVIDED ON OR BEFORE DECEMBER
21 THIRTY-FIRST OF EACH YEAR THEREAFTER ON THE IMPACT OF THE APG PAYMENT
22 METHODOLOGY OR ANY OTHER NEW PAYMENT METHODOLOGY ESTABLISHED ON OR AFTER
23 THE EFFECTIVE DATE OF THIS SUBPARAGRAPH ON FREE-STANDING CLINICS
24 LICENSED PURSUANT TO ARTICLE THIRTY-ONE OF THE MENTAL HYGIENE LAW. SUCH
25 REPORT SHALL INCLUDE AN ANALYSIS OF THE FINANCIAL IMPACT ON SUCH CLIN-
26 ICS, INCLUDING MEDICAL ASSISTANCE PAYMENT LOSSES AND GAINS FOR EVERY
27 INDIVIDUAL CLINIC AFFECTED BY THE APG PAYMENT METHODOLOGY, THE POTENTIAL
28 IMPACT ON ACCESS TO MENTAL HEALTH SERVICES BY PATIENTS, INCLUDING BUT
29 NOT LIMITED TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN WHO ARE SERIOUSLY
30 EMOTIONALLY DISTURBED AND INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER
31 WHO HAVE A SERIOUS AND PERSISTENT MENTAL ILLNESS, AND MEASUREMENT OF ANY
32 SHIFT OF MENTAL HEALTH SERVICES FROM FREE-STANDING CLINICS LICENSED
33 PURSUANT TO ARTICLE THIRTY-ONE OF THE MENTAL HYGIENE LAW TO HOSPITAL
34 EMERGENCY DEPARTMENTS AND INPATIENT HOSPITAL SETTINGS.

35 S 3. This act shall take effect immediately.