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

7090--A

I N S E N A T E

March 11, 2010

Introduced by Sens. FOLEY, O. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraph (ii) of paragraph (e) of subdivision 2-a of section 2807 of the public health law, as amended by section 15 of part C of chapter 58 of the laws of 2009, is amended to read as follows:

(ii) Notwithstanding this subdivision and any other contrary provision of law, the commissioner may incorporate within the payment methodology described in subparagraph (i) of this paragraph payment for services provided by facilities pursuant to licensure under the mental hygiene law, provided, however, that such APG payment methodology may be phased into effect in accordance with a schedule or schedules as jointly determined by the commissioner, the commissioner of mental health, the commissioner of alcoholism and substance abuse services, and the commissioner of mental retardation and developmental disabilities. ANY SUCH APG PAYMENT OR ANY OTHER NEW PAYMENT METHODOLOGY ESTABLISHED FOR FREE-STANDING CLINICS LICENSED PURSUANT TO ARTICLE THIRTY-ONE OF THE MENTAL HYGIENE LAW SHALL INCLUDE ENHANCED REIMBURSEMENT FOR SERVICES PROVIDED TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN WHO ARE SERIOUSLY EMOTIONALLY DISTURBED AND INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER WHO HAVE A SERIOUS AND PERSISTENT MENTAL ILLNESS WHO MEET CRITERIA DEFINED BY THE COMMISSIONER OF MENTAL HEALTH IN REGULATION.

S 2. Paragraph (e) of subdivision 2-a of section 2807 of the public health law is amended by adding a new subparagraph (iii) to read as follows:

(III) THE COMMISSIONER OF MENTAL HEALTH, IN CONSULTATION WITH THE COMMISSIONER, SHALL PROVIDE INITIAL AND CONTINUING REPORTS TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE,

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

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SPEAKER OF THE ASSEMBLY, AND MINORITY LEADER OF THE ASSEMBLY ON THE IMPACT OF THE PROPOSED APG PAYMENT METHODOLOGY OR ANY OTHER NEW PAYMENT METHODOLOGY ESTABLISHED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH ON FREE-STANDING CLINICS LICENSED PURSUANT TO ARTICLE THIRTY-ONE OF THE MENTAL HYGIENE LAW.

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

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

S 3. This act shall take effect immediately.