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

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I N S E N A T E

April 19, 2010

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

AN ACT to amend the social services law, in relation to chronic kidney disease pilot projects

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

Section 1. The social services law is amended by adding a new section 364-n to read as follows:

S 364-N. CHRONIC KIDNEY DISEASE PILOT PROJECT. 1. TO THE EXTENT OF FUNDS APPROPRIATED FOR THIS PURPOSE, THE COMMISSIONER OF HEALTH IS AUTHORIZED TO FUND A PILOT PROJECT FOR ONE YEAR IN ONE COUNTY IN NEW YORK STATE THAT:

(A) INCREASES PUBLIC AND MEDICAL COMMUNITY AWARENESS (PARTICULARLY OF THOSE WHO TREAT PATIENTS WITH DIABETES AND HYPERTENSION) REGARDING CHRONIC KIDNEY DISEASE, FOCUSING ON PREVENTION;

(B) INCREASES SCREENING FOR CHRONIC KIDNEY DISEASE, FOCUSING ON MEDICAID BENEFICIARIES AT RISK OF CHRONIC KIDNEY DISEASE; AND

(C) ENHANCES SURVEILLANCE SYSTEMS TO BETTER ASSESS THE PREVALENCE AND INCIDENCE OF CHRONIC KIDNEY DISEASE.

2. THE PILOT PROJECT ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE KIDNEY DISEASE EDUCATION SERVICES THAT ARE:

(A) FURNISHED TO AN INDIVIDUAL WITH STAGE IV CHRONIC KIDNEY DISEASE WHO, ACCORDING TO ACCEPTED CLINICAL GUIDELINES IDENTIFIED BY THE COMMISSIONER OF HEALTH, WILL REQUIRE DIALYSIS OR A KIDNEY TRANSPLANT;

(B) FURNISHED, UPON REFERRAL OF THE PHYSICIAN MANAGING THE INDIVIDUAL'S KIDNEY CONDITION, BY A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT, REGISTERED PROFESSIONAL NURSE, NURSE PRACTITIONER OR RURAL HEALTH CARE PROVIDER; AND

(C) DESIGNED TO:

(I) PROVIDE COMPREHENSIVE INFORMATION REGARDING THE MANAGEMENT OF COMORBIDITIES, INCLUDING THE PURPOSES OF DELAYING THE NEED FOR DIALYSIS, THE PREVENTION OF UREMIC COMPLICATIONS AND EACH OPTION FOR RENAL REPLACEMENT THERAPY, INCLUDING HEMODIALYSIS AND PERITONEAL DIALYSIS AT

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

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HOME AND IN-CENTER AS WELL AS VASCULAR ACCESS OPTIONS AND TRANSPLANTATION;

(II) ENSURE THAT THE INDIVIDUAL HAS THE OPPORTUNITY TO ACTIVELY PARTICIPATE IN THE CHOICE OF THERAPY; AND

(III) BE TAILORED TO MEET THE NEEDS OF THE INDIVIDUAL INVOLVED.

3. NO INDIVIDUAL SHALL BE FURNISHED MORE THAN SIX SESSIONS OF KIDNEY DISEASE EDUCATION SERVICES.

4. THE COMMISSIONER OF HEALTH SHALL SET STANDARDS FOR THE CONTENT OF SUCH INFORMATION TO BE PROVIDED AFTER CONSULTING WITH PHYSICIANS, OTHER HEALTH PROFESSIONALS, HEALTH EDUCATORS, PROFESSIONAL ORGANIZATIONS, ACCREDITING ORGANIZATIONS, KIDNEY PATIENT ORGANIZATIONS, DIALYSIS FACILITIES, TRANSPLANT CENTERS, NETWORK ORGANIZATIONS, AND OTHER KNOWLEDGEABLE PERSONS, BUT, TO THE EXTENT POSSIBLE, SUCH STANDARDS SHALL BE CONTENT NEUTRAL.

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING ANY MEDICAID BENEFICIARY TO PARTICIPATE IN A PILOT PROJECT ESTABLISHED PURSUANT TO THIS SECTION; PARTICIPATION SHALL BE VOLUNTARY. PARTICIPATION IN A PILOT PROJECT PURSUANT TO THIS SECTION SHALL NOT DIMINISH OR IMPAIR THE SERVICES TO WHICH A PARTICIPANT IS OTHERWISE ENTITLED UNDER THIS CHAPTER.

6. THIS SECTION SHALL NOT APPLY UNLESS ALL NECESSARY APPROVALS UNDER FEDERAL LAW AND REGULATION HAVE BEEN OBTAINED TO RECEIVE FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF HEALTH CARE SERVICES PROVIDED PURSUANT TO THIS SECTION. THE COMMISSIONER OF HEALTH IS AUTHORIZED TO SUBMIT ONE OR MORE APPLICATIONS FOR WAIVERS OF THE FEDERAL SOCIAL SECURITY ACT AS MAY BE NECESSARY TO OBTAIN SUCH FEDERAL FINANCIAL PARTICIPATION.

7. THE COMMISSIONER OF HEALTH SHALL PROVIDE A REPORT TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN JANUARY FIRST, TWO THOUSAND TWELVE. THE REPORT SHALL INCLUDE FINDINGS AS TO THE PILOT PROJECT'S EFFECTIVENESS IN MEETING THE GOALS SET FORTH IN SUBDIVISION ONE OF THIS SECTION AND RECOMMENDATIONS AS TO WHETHER THE PILOT PROJECT SHOULD BE EXTENDED, EXPANDED, MODIFIED, ELIMINATED, OR MADE PERMANENT.

S 2. This act shall take effect immediately.