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

8393

I N S E N A T E

June 28, 2010

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

AN ACT to amend the public health law, in relation to certified home health agencies

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

Section 1. Section 3608 of the public health law is amended by adding a new subdivision 7 to read as follows:

7. A CERTIFIED HOME HEALTH AGENCY IN OPERATION AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION AND ISSUED A CERTIFICATE OF APPROVAL BY THE COMMISSIONER FOR THE PURPOSE OF SERVING INDIVIDUALS ELIGIBLE FOR CARE IN A FACILITY OR PROGRAM LICENSED BY THE OFFICE OF MENTAL HEALTH OR THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES OR AS A SPECIAL PILOT PROGRAM HOME HEALTH AGENCY IS AUTHORIZED BY VIRTUE OF SUCH CERTIFICATE TO ENROLL ANY PATIENT DETERMINED TO REQUIRE CERTIFIED HOME HEALTH AGENCY SERVICES; PROVIDED, HOWEVER, THAT SUCH AGENCY (A) POSSESSES DEMONSTRATED CLINICAL EXPERTISE IN THE TREATMENT OF THE POPULATION SPECIFIED IN ITS CERTIFICATE OF APPROVAL, (B) CONTINUES TO MARKET, ACCEPT FOR ENROLLMENT AND TREAT MEMBERS OF SUCH POPULATION, AND (C) ENTERS INTO AN AGREEMENT WITH THE COMMISSIONER THAT DURING THE PERIOD JANUARY FIRST, TWO THOUSAND ELEVEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN AND FOR EACH CALENDAR YEAR PERIOD COMMENCING ON JANUARY FIRST THEREAFTER, RATES OF PAYMENT BY GOVERNMENTAL AGENCIES ESTABLISHED BY THE COMMISSIONER IN ACCORDANCE WITH THE RATE-SETTING METHODOLOGY THEN IN EFFECT FOR SERVICES BY SUCH CERTIFIED HOME HEALTH AGENCY TO INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW SHALL NOT EXCEED THE AVERAGE OF SUCH RATES OF PAYMENT FOR CERTIFIED HOME HEALTH AGENCIES CLASSIFIED IN THE DOWNSTATE REGION, AS DEFINED BY REGULATIONS PROMULGATED PURSUANT TO SECTION THIRTY-SIX HUNDRED TWELVE OF THIS ARTICLE OR SUCCESSOR LEGISLATION.

S 2. This act shall take effect immediately.

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

LBD17908-01-0