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

939--A

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. ROBACH -- 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 the residential care off-site facility demonstration project; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The public health law is amended by adding a new section 2822 to read as follows:

S 2822. RESIDENTIAL CARE OFF-SITE FACILITY DEMONSTRATION PROJECT. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THERE IS HEREBY CREATED A DEMONSTRATION PROGRAM WITHIN THE DEPARTMENT TO ASSESS REIMBURSEMENT METHODOLOGIES AND DELIVERY METHODS IN CONJUNCTION WITH THE PROVISION OF PHYSICAL, OCCUPATIONAL, AND SPEECH THERAPY AND RELATED EDUCATION SERVICES PROVIDED BY LICENSED PROFESSIONALS ACTING WITHIN THEIR SCOPE OF PRACTICE AND EMPLOYED BY A RESIDENTIAL HEALTH CARE FACILITY AT AN OFF-SITE FACILITY OPERATED BY A RESIDENTIAL HEALTH CARE FACILITY. AS PART OF THE DEMONSTRATION PROGRAM, A SELECTED PROVIDER SHALL BE AUTHORIZED TO PROVIDE SUCH THERAPY AND RELATED SERVICES FOR PERSONS IN NEED OF SUCH CARE.

2. THE DEPARTMENT MAY APPROVE UP TO THREE PROVIDERS AS PART OF THE DEMONSTRATION PROGRAM.

3. IN ORDER TO BE AN ELIGIBLE PROVIDER AN APPLICANT MUST BE ISSUED AN OPERATING CERTIFICATE FOR THE PROVISION OF RESIDENTIAL HEALTH CARE SERVICES PURSUANT TO THIS ARTICLE WHICH SHALL INCLUDE A CERTIFICATE TO PROVIDE ON-SITE OUTPATIENT SERVICES AND DEMONSTRATE THAT THE PROVISION OF ALL PHYSICAL, OCCUPATIONAL, AND SPEECH THERAPY AND RELATED EDUCATION SERVICES PROVIDED AT THE OFF-SITE FACILITY WILL BE IN ACCORDANCE WITH ALL APPLICABLE SAFETY STANDARDS SET FORTH IN STATE AND LOCAL LAW.

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

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4. ANY PROVIDER SELECTED TO PARTICIPATE IN THE DEMONSTRATION PROGRAM SHALL ANNUALLY REPORT TO THE DEPARTMENT ON THE NUMBER OF PATIENTS SERVED, THE TYPE OF SERVICES PROVIDED, THE COST OF SUCH SERVICES, THE SOURCES OF PAYMENT FOR SUCH SERVICES, SAFETY STANDARDS IN PLACE FOR THE PROVISIONS OF SUCH SERVICES AND SUCH OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT TO DEVELOP REIMBURSEMENT METHODOLOGIES AND FEE SCHEDULES FOR LIMITED SERVICES AND TO DETERMINE THE EFFECTIVENESS OF THE PROVISION OF THERAPY AND RELATED SERVICES AT AN OFF-SITE FACILITY OPERATED BY A RESIDENTIAL HEALTH CARE FACILITY. DURING THE DEMONSTRATION PERIOD, AN ELIGIBLE PROVIDER APPROVED FOR THE PURPOSES OF THIS SECTION SHALL NOT HAVE THEIR MEDICAL ASSISTANCE RATES ADJUSTED FOR ANY ADDITIONAL COSTS RELATED TO SUCH DEMONSTRATION PROJECT.

S 2. This act shall take effect immediately and shall expire June 30, 2012 when upon such date the provisions of this act shall be deemed repealed.