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

969

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to physician fee reimbursements under the medical assistance for needy persons (medicaid) program

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

Section 1. Paragraph (a) of subdivision 1 of section 367-a of the social services law, as amended by chapter 165 of the laws of 1991, is amended to read as follows:

(a) Any inconsistent provision of this chapter or other law notwithstanding, no assignment of the claim of any supplier of medical assistance shall be valid and enforceable as against any LOCAL social services district or the STATE department OF HEALTH, and any payment with respect to any medical assistance shall be made to the person, institution, state department or agency or municipality supplying such medical assistance at rates established by the appropriate LOCAL social services district and contained in its approved local medical plan, except as otherwise permitted or required by applicable federal and state provisions, including the regulations of the STATE department OF HEALTH; provided, however, that for those districts for whom the STATE department OF HEALTH has assumed payment responsibilities pursuant to section three hundred sixty-seven-b of this [chapter] TITLE, rates shall be established by the STATE department OF HEALTH, except as otherwise required by applicable provisions of federal or state law; AND PROVIDED FURTHER, HOWEVER, THAT AMOUNTS PAYABLE UNDER THIS TITLE FOR MEDICAL ASSISTANCE FOR SERVICES PROVIDED BY PHYSICIANS IN THEIR OFFICES SHALL BE NO LESS THAN THE AMOUNTS PAYABLE UNDER THIS TITLE FOR MEDICAL ASSISTANCE FOR SERVICES PROVIDED BY PHYSICIANS IN OUT-PATIENT DEPARTMENTS OF HOSPITALS LOCATED IN THE SAME LOCAL SOCIAL SERVICES DISTRICT AS SUCH PHYSICIAN'S OFFICE IS LOCATED. A LOCAL social services official may apply to

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

LBD06668-01-9

the STATE department OF HEALTH for local variations in rates to be applicable, upon approval by the STATE department OF HEALTH, to recipients for whom such district is responsible. Claims for payment shall be made in such form and manner as the STATE department OF HEALTH shall determine.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.