

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:

1 Section 1. Paragraph (a) of subdivision 1 of section 367-a of the  
2 social services law, as amended by chapter 165 of the laws of 1991, is  
3 amended to read as follows:  
4 (a) Any inconsistent provision of this chapter or other law notwith-  
5 standing, no assignment of the claim of any supplier of medical assist-  
6 ance shall be valid and enforceable as against any LOCAL social services  
7 district or the STATE department OF HEALTH, and any payment with  
8 respect to any medical assistance shall be made to the person, institu-  
9 tion, state department or agency or municipality supplying such medical  
10 assistance at rates established by the appropriate LOCAL social services  
11 district and contained in its approved local medical plan, except as  
12 otherwise permitted or required by applicable federal and state  
13 provisions, including the regulations of the STATE department OF HEALTH;  
14 provided, however, that for those districts for whom the STATE depart-  
15 ment OF HEALTH has assumed payment responsibilities pursuant to section  
16 three hundred sixty-seven-b of this [chapter] TITLE, rates shall be  
17 established by the STATE department OF HEALTH, except as otherwise  
18 required by applicable provisions of federal or state law; AND PROVIDED  
19 FURTHER, HOWEVER, THAT AMOUNTS PAYABLE UNDER THIS TITLE FOR MEDICAL  
20 ASSISTANCE FOR SERVICES PROVIDED BY PHYSICIANS IN THEIR OFFICES SHALL BE  
21 NO LESS THAN THE AMOUNTS PAYABLE UNDER THIS TITLE FOR MEDICAL ASSISTANCE  
22 FOR SERVICES PROVIDED BY PHYSICIANS IN OUT-PATIENT DEPARTMENTS OF HOSPI-  
23 TALS LOCATED IN THE SAME LOCAL SOCIAL SERVICES DISTRICT AS SUCH PHYSI-  
24 CIAN'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.

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1 the STATE department OF HEALTH for local variations in rates to be  
2 applicable, upon approval by the STATE department OF HEALTH, to recipi-  
3 ents for whom such district is responsible. Claims for payment shall be  
4 made in such form and manner as the STATE department OF HEALTH shall  
5 determine.

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