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

10649

I N A S S E M B L Y

June 12, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ortiz) -- read once and referred to the Committee on Health

AN ACT to amend the mental hygiene law, in relation to the provision of care and services to persons with developmental or physical disabilities and to directing the commissioner of developmental disabilities to conduct a demonstration program to identify ways to more efficiently provide such care

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

Section 1. The mental hygiene law is amended by adding a new section 13.40 to read as follows:

S 13.40 MEDICAID REIMBURSEMENT; DEMONSTRATION PROGRAM.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE CONTRARY, ANY QUALIFIED PROVIDER SHALL BE AUTHORIZED TO PROVIDE CARE AND SERVICES, AND TO RECEIVE MEDICAID REIMBURSEMENT FOR SUCH CARE AND SERVICES, TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES, INCLUDING:

(1) PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES WHO RECEIVE HOME AND COMMUNITY-BASED SERVICES OR CARE-AT-HOME SERVICES THROUGH EXISTING WAIVERS UNDER SECTION 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT OR WHO HAVE CHARACTERISTICS AND NEEDS SIMILAR TO SUCH PERSONS; AND

(2) PERSONS RECEIVING SERVICES PROVIDED BY AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED OR WHO HAVE CHARACTERISTICS AND NEEDS SIMILAR TO SUCH PERSONS; PROVIDED SUCH QUALIFIED PROVIDER APPLIES FOR AND OBTAINS THE REQUISITE CERTIFICATION AND APPROVAL FROM THE COMMISSIONER TO PROVIDE SUCH CARE AND SERVICES.

(B) THE COMMISSIONER SHALL CONDUCT A DEMONSTRATION PROGRAM WITH ONE OR MORE QUALIFIED FOR-PROFIT PROVIDERS THAT PROVIDE CARE AND SERVICES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES IN ORDER TO IDENTIFY WAYS TO MORE EFFECTIVELY, EFFICIENTLY AND ECONOMICALLY PROVIDE SUCH CARE AND SERVICES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES; PROVIDED SUCH QUALIFIED PROVIDER APPLIES FOR AND OBTAINS THE REQUISITE CERTIFICATION AND APPROVAL FROM THE COMMISSIONER TO PROVIDE SUCH CARE

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

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AND SERVICES. THE COMMISSIONER SHALL SELECT A PROVIDER OR PROVIDERS WITH DEMONSTRATED EXPERIENCE AND EXPERTISE IN:

(1) PROVIDING SUCH CARE AND SERVICES; AND

(2) PARTNERING WITH STATES TO IMPROVE THE DELIVERY OF SUCH CARE AND SERVICES.

THE COMMISSIONER MAY, IN THE COMMISSIONER'S DISCRETION, CONDUCT SUCH DEMONSTRATION PROGRAM AS PART OF A PILOT PROGRAM IN ACCORDANCE WITH AN APPLICATION MADE UNDER SECTION 1115 OR SECTION 1915 OF THE FEDERAL SOCIAL SECURITY ACT. THE COMMISSIONER SHALL ANNUALLY REPORT TO THE GOVERNOR AND LEGISLATURE ON THE OPERATION OF THE DEMONSTRATION PROGRAM AND ITS EFFECTIVENESS IN IDENTIFYING WAYS TO MORE EFFECTIVELY, EFFICIENTLY AND ECONOMICALLY PROVIDE CARE AND SERVICES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES.

S 2. This act shall take effect immediately.