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

237

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the social services law, in relation to including portable x-ray services as a covered service for medical assistance

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

Section 1. Section 365-a of the social services law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, MEDICAL ASSISTANCE SHALL ALSO INCLUDE PAYMENT FOR RADIOLOGIC SERVICES, INCLUDING PORTABLE X-RAY AND IMAGING SERVICES, INDEPENDENT PHYSIOLOGICAL LABORATORY SERVICES AND RELATED DIAGNOSTIC ULTRASOUND PROCEDURES, PROVIDED IN MOBILE SETTINGS PURSUANT TO THE ORDER OF A PHYSICIAN, AND UNDER A PHYSICIAN'S SUPERVISION. FOR THE PURPOSES OF THIS SUBDIVISION, RADIOLOGIC SERVICES PROVIDED UNDER A PHYSICIAN'S SUPERVISION SHALL INCLUDE RADIOLOGIC SERVICES WHERE:

(A) THE SUPERVISING PHYSICIAN OWNS THE RADIOLOGIC EQUIPMENT AND SUCH EQUIPMENT IS OPERATED ONLY BY SUCH PHYSICIAN'S EMPLOYEES; OR

(B) THE OWNER OF THE RADIOLOGIC EQUIPMENT EMPLOYS OR CONTRACTS WITH A SUPERVISING PHYSICIAN WHO CERTIFIES ON AN ANNUAL BASIS THAT:

(I) HE OR SHE PERIODICALLY CHECKS THE OPERATING OR PROCEDURE MANUALS RELATING TO SUCH EQUIPMENT;

(II) HE OR SHE OBSERVES THE PERFORMANCE OF THE OPERATORS OF SUCH EQUIPMENT;

(III) HE OR SHE HAS VERIFIED THAT THE EQUIPMENT AND PERSONNEL MEET ALL APPLICABLE FEDERAL, STATE AND LOCAL LICENSURE AND REGISTRATION REQUIREMENTS; AND

(IV) SAFE PROCEDURES ARE USED IN THE OPERATION OF SUCH EQUIPMENT.

FOR PURPOSES OF THIS SUBDIVISION, "MOBILE SETTINGS" SHALL BE DEEMED TO MEAN FACILITIES LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, OR SUCH OTHER LONG TERM CARE FACILITIES AND ASSISTED LIVING FACILITIES THAT ARE LICENSED AND REGULATED BY THE DEPARTMENT OF HEALTH.

S 2. This act shall take effect immediately.

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

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