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

5447

2011-2012 Regular Sessions

I N S E N A T E

May 24, 2011

Introduced by Sens. YOUNG, O'MARA, BRESLIN, KENNEDY -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to facilitating access to the health occupation and workplace demonstration program for home care providers

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

Section 1. Subdivisions 1 and 3 of section 2807-h of the public health law, as amended by chapter 255 of the laws of 1994, are amended to read as follows:

1. The commissioner shall authorize health occupation development and workplace demonstration programs and is directed to make rate adjustments, subject to the availability of funds therefor, to cover the costs of such programs; PROVIDED THAT THE COMMISSIONER MAY ALSO AUTHORIZE SUCH PROGRAMS WITHOUT SUCH RATE ADJUSTMENTS, UPON APPLICATION BY PROVIDERS, TO PROMOTE THE HEALTH OCCUPATION DEVELOPMENT AND WORKPLACE IMPROVEMENT PURPOSES SPECIFIED IN THIS SECTION. Providers shall be eligible for rate adjustments to develop, implement and evaluate programs to test new models of organization and delivery of services, and the use of new technologies to improve efficiency, utilization and productivity of existing health care personnel; to reduce time that patient care staff spend meeting documentation requirements; and to improve the recruitment and retention of health personnel. Eligible providers shall consult with staff, professional associations, unions and other affected organizations in the development of proposals. The commissioner is authorized to waive, modify or suspend the respective provisions of rules and regulations promulgated pursuant to this chapter OR THE SOCIAL SERVICES LAW if the commissioner determines that such waiver, modification or suspension is necessary for the successful implementation of a demonstration

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

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program and provided that the commissioner determines that the health, safety and general welfare of people receiving health care under such demonstration program will not be impaired as a result of such waiver, modification or suspension. The commissioner shall consult with the professional associations appropriate to the rule or regulation proposed for waiver, modification or suspension prior to approval or disapproval of the program. Such waiver, modification or suspension may be granted for up to two years, OR SUCH LONGER PERIOD AS MAY BE NECESSARY TO SUPPORT THE PURPOSES OF THE DEMONSTRATION PROGRAM. Waivers, modifications and suspensions granted under this subdivision must be specific to the program approved by this subdivision.

3. The commissioner shall conduct evaluations of the health occupation development and workplace demonstration programs and shall report his findings to the governor and the chairs of the senate and assembly committees on health. Such evaluations shall include an examination of the effectiveness of the program to improve productivity, efficiency, development and utilization of personnel. Such report shall be due on April thirtieth, nineteen hundred ninety-five, ON JANUARY FIRST, TWO THOUSAND THIRTEEN, AND BIENNIALLY THEREAFTER. TO FACILITATE THE COMMISSIONER'S EVALUATIONS AND REPORTS, PROVIDERS IMPLEMENTING HEALTH OCCUPATION DEVELOPMENT AND WORKPLACE DEMONSTRATION PROGRAMS SHALL EXAMINE THE EFFECTIVENESS OF THEIR PROGRAM AND REPORT THEIR EXPERIENCES TO THE COMMISSIONER.

S 2. Subdivision 6 of section 3614 of the public health law, as amended by chapter 255 of the laws of 1994, is amended to read as follows:

6. Subject to the [availability of funds] PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED SEVEN-H OF THIS CHAPTER, the commissioner shall authorize health occupation development and workplace demonstration programs [pursuant to the provisions of section twenty-eight hundred seven-h of this chapter] for certified home health agencies, long term home health care programs [and], AIDS home care programs AND LICENSED HOME CARE SERVICES AGENCIES, and, SUBJECT TO THE AVAILABILITY OF FUNDS, the commissioner is hereby directed to make rate adjustments to cover the cost of such programs.

S 3. This act shall take effect immediately, provided, that the amendments to subdivisions 1 and 3 of section 2807-h of the public health law, made by section one of this act, shall not affect the expiration and reversion of such section and shall expire therewith, and provided, further, that the amendments to subdivision 6 of section 3614 of the public health law, made by section two of this act, shall not affect the expiration and reversion of such subdivision and shall expire therewith.