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

7141

I N S E N A T E

May 1, 2012

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 public health law, in relation to payments under managed long term care plans for home care services

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

Section 1. Section 4403-f of the public health law is amended by adding a new subdivision 12 to read as follows:

12. PAYMENTS TO THOSE AGENCIES CERTIFIED AND LICENSED PURSUANT TO ARTICLE THIRTY-SIX OF THIS CHAPTER PROVIDING DIRECT CARE SERVICES TO THE ENROLLED POPULATION SHALL BE REASONABLY RELATED TO THE COST OF PROVIDING EFFICIENT, CONSISTENT AND HIGH QUALITY SERVICES REQUIRED BY THE PLAN OF CARE AND SHALL, IN ADDITION, INCORPORATE THE AMOUNT OF ANY LABOR COSTS ATTRIBUTABLE TO SECTION THIRTY-SIX HUNDRED FOURTEEN-C OF THIS CHAPTER AND ANY RECRUITMENT AND RETENTION FUNDS MADE AVAILABLE PURSUANT TO SECTION THIRTY-SIX HUNDRED FOURTEEN OF THIS CHAPTER; PROVIDED FURTHER, SUCH AMOUNTS SHALL BE PASSED DIRECTLY THROUGH TO THE AGENCY PROVIDING SUCH DIRECT CARE SERVICES IF SUCH SERVICES ARE SUBCONTRACTED. IN ADDITION, SUCH PAYMENTS SHALL REFLECT AND ADJUST ANNUALLY FOR ANY INCREASED COSTS OF THE TRANSPORTATION OF DIRECT CARE WORKERS TO AND FROM PATIENTS' RESIDENCES RELATED TO INCREASED FUEL COSTS AND/OR TRANSPORTATION AS REPORTED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND THE METROPOLITAN TRANSPORTATION AUTHORITY.

S 2. This act shall take effect immediately; provided that the amendments to section 4403-f of the public health law made by section one of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith.

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

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