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

4109

2011-2012 Regular Sessions

I N S E N A T E

March 18, 2011

Introduced by Sen. McDONALD -- 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 providing for behavioral health wraparound demonstration projects

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

Section 1. The social services law is amended by adding a new section 364-n to read as follows:

S 364-N. BEHAVIORAL HEALTH WRAPAROUND DEMONSTRATION PROJECTS. 1. THE LEGISLATURE FINDS THAT DEMONSTRATION PROJECTS THAT INTEGRATE SERVICES PROVIDED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, THE DEPARTMENT OF HEALTH AND OTHER FUNDING STREAMS FOR THERAPEUTIC CARE AT THE FAMILY LEVEL CAN MOVE CHILDREN AND ADOLESCENTS THROUGH THE SYSTEM EFFICIENTLY TO OPTIMAL TREATMENTS, AND WILL MOVE CHILDREN AND FAMILIES FROM CRISIS OR HIGH RISK OF CRISIS TO NORMALIZATION BY PROVIDING THE RIGHT SERVICE AT THE RIGHT TIME AND IN THE RIGHT AMOUNT. THE LEGISLATURE FURTHER FINDS THAT THROUGH TARGETED INTERVENTIONS THE CARE OF THESE INDIVIDUALS CAN BE IMPROVED AND THE COSTS OF THAT CARE REDUCED.

2. TO THE EXTENT OF FUNDS APPROPRIATED FOR THIS PURPOSE, THE COMMISSIONER OF HEALTH IS AUTHORIZED TO FUND DEMONSTRATION PROJECTS THAT DEVELOP AND EVALUATE INTERVENTIONS TARGETED AT MEDICAID BENEFICIARIES UNDER THE AGE OF TWENTY-ONE WHO HAVE ONE OR MORE CRISIS INTERVENTIONS DURING THE PREVIOUS TWELVE MONTHS RELATED TO BEHAVIORAL ISSUES. SUCH INTERVENTIONS MAY BE VIEWED AS AN OPPORTUNITY TO INCREASE THE COORDINATION OF CARE, ENSURE THAT CARE IS DELIVERED IN THE MOST APPROPRIATE SETTING, IMPROVE HEALTH OUTCOMES AND REDUCE THE COST OF THAT CARE. AS USED IN THIS SECTION, A "CRISIS INTERVENTION" MEANS CIRCUMSTANCES INVOLVING:

A. THE UTILIZATION OF EMERGENCY DEPARTMENT SERVICES;

B. CRIMINAL JUSTICE INTERVENTION RELATED TO BEHAVIORAL ISSUES;

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

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C. PRIORITY LEVEL ONE CLASSIFICATION BY THE DEVELOPMENTAL DISABILITIES SERVICE OFFICE (DDSO);

D. COMMUNITY CRISIS RESPONSE; OR

E. WHERE THE INDIVIDUAL IS OTHERWISE IDENTIFIED AS HIGH RISK BY HIS OR HER MEDICAID SERVICE COORDINATOR, MANAGED CARE PROVIDER OR COUNTY SINGLE POINT OF ACCESS (SPOA).

3. DEMONSTRATION PROJECTS ESTABLISHED PURSUANT TO THIS SECTION MAY TEST MODELS OF CARE AND MODELS OF REIMBURSEMENT, INCLUDING SHARED SAVINGS, THAT ARE INTENDED TO ADVANCE THE GOALS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

4. SERVICE PROVIDERS ELIGIBLE TO APPLY FOR ROLES AS DEMONSTRATION SERVICE COORDINATORS INCLUDE: HOSPITALS, DIAGNOSTIC AND TREATMENT CENTERS, MANAGED CARE PLANS, MEDICAL SCHOOLS AND PROVIDERS LICENSED BY OR FUNDED BY THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE DEPARTMENT OF HEALTH. THE COMMISSIONER OF HEALTH SHALL APPROVE DEMONSTRATION PROGRAMS WHICH ARE GEOGRAPHICALLY DIVERSE. A PARTICIPATING SERVICE PROVIDER MUST ESTABLISH, TO THE SATISFACTION OF THE COMMISSIONER OF HEALTH, ITS CAPACITY TO ENROLL AND SERVE SUFFICIENT NUMBERS OF ENROLLEES TO DEMONSTRATE THE COST-EFFECTIVENESS OF THE DEMONSTRATION PROGRAM.

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING ANY MEDICAID BENEFICIARY TO PARTICIPATE IN A DEMONSTRATION PROJECT ESTABLISHED PURSUANT TO THIS SECTION; PARTICIPATION SHALL BE VOLUNTARY. PARTICIPATION IN A DEMONSTRATION PROJECT PURSUANT TO THIS SECTION SHALL NOT DIMINISH OR IMPAIR THE SERVICES TO WHICH A PARTICIPANT IS OTHERWISE ENTITLED UNDER THIS CHAPTER.

6. PRIOR TO ESTABLISHING ANY DEMONSTRATION PROJECT AUTHORIZED BY THIS SECTION, THE COMMISSIONER OF HEALTH SHALL CONSULT WITH THE COMMISSIONERS OF THE OFFICE OF MENTAL HEALTH AND THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.

7. THIS SECTION SHALL NOT APPLY UNLESS ALL NECESSARY APPROVALS UNDER FEDERAL LAW AND REGULATION HAVE BEEN OBTAINED TO RECEIVE FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF HEALTH CARE SERVICES PROVIDED PURSUANT TO THIS SECTION. THE COMMISSIONER OF HEALTH IS AUTHORIZED TO SUBMIT ONE OR MORE APPLICATIONS FOR WAIVERS OF THE FEDERAL SOCIAL SECURITY ACT AS MAY BE NECESSARY TO OBTAIN SUCH FEDERAL FINANCIAL PARTICIPATION.

8. THE COMMISSIONER OF HEALTH SHALL PROVIDE A REPORT TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN. THE REPORT SHALL INCLUDE FINDINGS AS TO THE DEMONSTRATION PROJECTS' EFFECTIVENESS IN MANAGING THE CARE NEEDS AND IMPROVING THE HEALTH OF PROGRAM PARTICIPANTS, AN EVALUATION AS TO THE PROGRAMS' COST-EFFECTIVENESS AS MEASURED AGAINST TRADITIONAL MEDICAID CARE MODELS, AND RECOMMENDATIONS AS TO WHETHER THE PROGRAMS SHOULD BE EXTENDED, MODIFIED, ELIMINATED, OR MADE PERMANENT.

S 2. This act shall take effect immediately.