

6037

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 13, 2013

---

Introduced by 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:

1     Section 1. The mental hygiene law is amended by adding a new section  
2     13.40 to read as follows:  
3     S 13.40 MEDICAID REIMBURSEMENT; DEMONSTRATION PROGRAM.  
4     (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE  
5     CONTRARY, ANY QUALIFIED PROVIDER SHALL BE AUTHORIZED TO PROVIDE CARE AND  
6     SERVICES, AND TO RECEIVE MEDICAID REIMBURSEMENT FOR SUCH CARE AND  
7     SERVICES, TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES,  
8     INCLUDING:  
9     (1) PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES WHO RECEIVE  
10    HOME AND COMMUNITY-BASED SERVICES OR CARE-AT-HOME SERVICES THROUGH  
11    EXISTING WAIVERS UNDER SECTION 1915(C) OF THE FEDERAL SOCIAL SECURITY  
12    ACT OR WHO HAVE CHARACTERISTICS AND NEEDS SIMILAR TO SUCH PERSONS; AND  
13    (2) PERSONS RECEIVING SERVICES PROVIDED BY AN INTERMEDIATE CARE FACIL-  
14    ITY FOR THE MENTALLY RETARDED OR WHO HAVE CHARACTERISTICS AND NEEDS  
15    SIMILAR TO SUCH PERSONS; PROVIDED SUCH QUALIFIED PROVIDER APPLIES FOR  
16    AND OBTAINS THE REQUISITE CERTIFICATION AND APPROVAL FROM THE COMMIS-  
17    SIONER TO PROVIDE SUCH CARE AND SERVICES.  
18    (B) THE COMMISSIONER SHALL CONDUCT A DEMONSTRATION PROGRAM WITH ONE OR  
19    MORE QUALIFIED FOR-PROFIT PROVIDERS THAT PROVIDE CARE AND SERVICES TO  
20    PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES IN ORDER TO IDENTIFY  
21    WAYS TO MORE EFFECTIVELY, EFFICIENTLY AND ECONOMICALLY PROVIDE SUCH CARE  
22    AND SERVICES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES;

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

LBD09518-01-3

1 PROVIDED SUCH QUALIFIED PROVIDER APPLIES FOR AND OBTAINS THE REQUISITE  
2 CERTIFICATION AND APPROVAL FROM THE COMMISSIONER TO PROVIDE SUCH CARE  
3 AND SERVICES. THE COMMISSIONER SHALL SELECT A PROVIDER OR PROVIDERS WITH  
4 DEMONSTRATED EXPERIENCE AND EXPERTISE IN:

5 (1) PROVIDING SUCH CARE AND SERVICES; AND

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

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

16 S 2. This act shall take effect immediately.