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

7309

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to quality measurement, assurance and reporting under the state's mandatory enrollment policy; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 7 of section 4403-f of the public health law, as amended by section 41-b of part H of chapter 59 of the laws of 2011, is amended to read as follows:

(i) The commissioner shall promulgate regulations to implement this section and to ensure the quality, appropriateness and cost-effectiveness of the services provided by managed long term care plans. The commissioner may waive rules and regulations of the department, including but not limited to, those pertaining to duplicative requirements concerning record keeping, boards of directors, staffing and reporting, when such waiver will promote the efficient delivery of appropriate, quality, cost-effective services and when the health, safety and general welfare of enrollees will not be impaired as a result of such waiver. In order to achieve managed long term care plan system efficiencies and coordination and to promote the objectives of high quality, integrated and cost effective care, the commissioner may establish a single coordinated surveillance process, allow for a comprehensive quality improvement and review process to meet component quality requirements, and require a uniform cost report. The commissioner shall require managed long term care plans to utilize quality improvement measures, based on health outcomes data, for internal quality assessment processes and may utilize such measures as part of the single coordinated surveillance process. IN ADDITION, IN FURTHERANCE OF QUALITY MEASUREMENT AND CARE FOLLOWING APPROVAL OF THE WAIVER AUTHORITY FOR MANDATORY ENROLLMENT

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

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UNDER SUBPARAGRAPH (I) OF PARAGRAPH (B) OF THIS SUBDIVISION, THE COMMISSIONER SHALL CONVENE A TECHNICAL PANEL OF REPRESENTATIVES OF MANAGED LONG TERM CARE PLANS, CERTIFIED HOME HEALTH AGENCIES, LONG TERM HOME HEALTH CARE PROGRAMS, LICENSED HOME CARE SERVICES AGENCIES AND STATE ASSOCIATION REPRESENTATIVES THEREOF, ALONG WITH SUCH OTHERS WITH DEMONSTRATED EXPERTISE IN QUALITY MEASUREMENT AND REPORTING AS THE COMMISSIONER MAY DEEM APPROPRIATE, TO ASSIST AND ADVISE THE COMMISSIONER IN IDENTIFYING THE QUALITY IMPROVEMENT MEASURES, HEALTH OUTCOMES DATA, INTERNAL QUALITY ASSESSMENT PROCESSES AND REPORTING REQUIRED UNDER THIS SECTION.

S 2. The commissioner of health shall convene and consider the advice of the technical panel established by section one of this act not later than December 31, 2013, and by no later than February 1, 2014, the commissioner of health shall report to the legislature on such panel's advice and on the actions the commissioner of health has taken in response to such advice.

S 3. This act shall take effect immediately and shall expire April 1, 2015 when upon such date the provisions of this act shall be deemed repealed.