

7528

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 23, 2013

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Introduced by M. of A. MORELLE, ROBINSON, LAVINE, COOK, RIVERA, HOOPER, MOYA, McDONALD -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BRENNAN, GABRYSZAK, GIBSON, MOSLEY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to establishing a health technology assessment committee within the medical assistance program; and to repeal section 365-d of such law relating to early and periodic screening diagnosis and treatment outreach demonstration projects

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

1     Section 1. Section 365-d of the social services law is REPEALED and a  
2     new section 365-d is added to read as follows:  
3     S 365-D. HEALTH TECHNOLOGY ASSESSMENT COMMITTEE. 1. THE DEPARTMENT  
4     SHALL CONVENE A HEALTH TECHNOLOGY ASSESSMENT COMMITTEE. THE COMMITTEE  
5     SHALL, AT THE REQUEST OF THE COMMISSIONER, PROVIDE ADVICE AND MAKE  
6     RECOMMENDATIONS REGARDING COVERAGE OF HEALTH TECHNOLOGY FOR PURPOSES OF  
7     THE MEDICAL ASSISTANCE PROGRAM. THE COMMISSIONER SHALL CONSULT SUCH  
8     COMMITTEE PRIOR TO ANY DETERMINATION TO EXCLUDE FROM COVERAGE ANY HEALTH  
9     TECHNOLOGY FROM THE MEDICAL ASSISTANCE PROGRAM. FOR PURPOSES OF THIS  
10    SECTION, "HEALTH TECHNOLOGY" MEANS MEDICAL DEVICES AND SURGICAL PROCE-  
11    DURES USED IN THE PREVENTION, DIAGNOSIS AND TREATMENT OF DISEASE AND  
12    OTHER MEDICAL CONDITIONS.  
13    2. (A) THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL CONSIST OF  
14    THIRTEEN MEMBERS, WHO SHALL BE APPOINTED BY THE COMMISSIONER AND WHO  
15    SHALL SERVE THREE YEAR TERMS; EXCEPT THAT FOR THE INITIAL APPOINTMENTS  
16    TO THE COMMITTEE, FIVE MEMBERS SHALL SERVE ONE YEAR TERMS, FIVE MEMBERS  
17    SHALL SERVE TWO YEAR TERMS, AND THREE MEMBERS SHALL SERVE THREE YEAR  
18    TERMS. COMMITTEE MEMBERS MAY BE REAPPOINTED UPON THE COMPLETION OF THEIR  
19    TERMS. WITH THE EXCEPTION OF THE CHAIRPERSON, NO MEMBER OF THE COMMITTEE  
20    SHALL BE AN EMPLOYEE OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE

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

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1 STATE, OTHER THAN FOR HIS OR HER MEMBERSHIP ON THE COMMITTEE, EXCEPT FOR  
2 EMPLOYEES OF HEALTH CARE FACILITIES OR UNIVERSITIES OPERATED BY THE  
3 STATE, A PUBLIC BENEFIT CORPORATION, THE STATE UNIVERSITY OF NEW YORK OR  
4 MUNICIPALITIES.

5 (B) THE MEMBERSHIP OF SUCH COMMITTEE SHALL BE AS FOLLOWS:

6 (I) SIX PERSONS LICENSED AND ACTIVELY ENGAGED IN THE PRACTICE OF MEDI-  
7 CINE IN THIS STATE;

8 (II) ONE PERSON LICENSED AND ACTIVELY ENGAGED IN THE PRACTICE OF NURS-  
9 ING AS A NURSE PRACTITIONER, OR IN THE PRACTICE OF MIDWIFERY IN THIS  
10 STATE;

11 (III) ONE PERSON WHO IS A REPRESENTATIVE OF A HEALTH TECHNOLOGY OR  
12 MEDICAL DEVICE ORGANIZATION WITH A REGIONAL, STATEWIDE OR NATIONAL  
13 CONSTITUENCY AND WHO IS A HEALTH CARE PROFESSIONAL LICENSED UNDER TITLE  
14 EIGHT OF THE EDUCATION LAW;

15 (IV) ONE PERSON WITH EXPERTISE IN HEALTH TECHNOLOGY ASSESSMENT WHO IS  
16 A HEALTH CARE PROFESSIONAL LICENSED UNDER TITLE EIGHT OF THE EDUCATION  
17 LAW;

18 (V) THREE PERSONS WHO SHALL BE CONSUMERS OR REPRESENTATIVES OF ORGAN-  
19 IZATIONS WITH A REGIONAL OR STATEWIDE CONSTITUENCY AND WHO HAVE BEEN  
20 INVOLVED IN ACTIVITIES RELATED TO HEALTH CARE CONSUMER ADVOCACY; AND

21 (VI) A MEMBER OF THE DEPARTMENT WHO SHALL ACT AS CHAIRPERSON AS DESIG-  
22 NATED BY THE COMMISSIONER.

23 3. THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL BE A PUBLIC BODY  
24 UNDER ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW AND SUBJECT TO ARTICLE  
25 SIX OF THE PUBLIC OFFICERS LAW. THE DEPARTMENT SHALL PROVIDE INTERNET  
26 ACCESS TO ALL MEETINGS OF SUCH COMMITTEE THROUGH THE DEPARTMENT'S  
27 WEBSITE.

28 4. THE MEMBERS OF THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL  
29 RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR  
30 EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR  
31 DUTIES. COMMITTEE MEMBERS SHALL BE DEEMED TO BE EMPLOYEES OF THE DEPART-  
32 MENT FOR PURPOSES OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW, AND  
33 SHALL NOT PARTICIPATE IN ANY MATTER FOR WHICH A CONFLICT OF INTEREST  
34 EXISTS.

35 5. THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE SHALL, AT THE REQUEST OF  
36 THE COMMISSIONER, CONSIDER ANY MATTER RELATING TO HEALTH TECHNOLOGY  
37 ASSESSMENT. THE COMMISSIONER SHALL PROVIDE THIRTY DAYS PUBLIC NOTICE ON  
38 THE DEPARTMENT'S WEBSITE PRIOR TO ANY MEETING OF THE COMMITTEE TO DEVEL-  
39 OP RECOMMENDATIONS CONCERNING HEALTH TECHNOLOGY COVERAGE DETERMINATIONS.  
40 SUCH NOTICE SHALL INCLUDE A DESCRIPTION OF THE PROPOSED HEALTH TECHNOLO-  
41 GY TO BE REVIEWED, THE CONDITIONS OR DISEASES IMPACTED BY THE HEALTH  
42 TECHNOLOGY, AND THE PROPOSALS TO BE CONSIDERED BY THE COMMITTEE. THE  
43 COMMITTEE SHALL ALLOW INTERESTED PARTIES A REASONABLE OPPORTUNITY TO  
44 MAKE AN ORAL PRESENTATION TO THE COMMITTEE RELATED TO THE HEALTH TECH-  
45 NOLOGY TO BE REVIEWED AND TO SUBMIT WRITTEN INFORMATION. THE COMMITTEE  
46 SHALL CONSIDER ANY INFORMATION PROVIDED BY ANY INTERESTED PARTY, INCLUD-  
47 ING, BUT NOT LIMITED TO, HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES,  
48 PATIENTS, CONSUMERS AND MANUFACTURERS.

49 6. THE COMMISSIONER SHALL PROVIDE NOTICE OF ANY COVERAGE RECOMMENDA-  
50 TIONS DEVELOPED BY THE COMMITTEE BY MAKING SUCH INFORMATION AVAILABLE ON  
51 THE DEPARTMENT'S WEBSITE. SUCH PUBLIC NOTICE SHALL INCLUDE: A SUMMARY OF  
52 THE DELIBERATIONS OF THE COMMITTEE; A SUMMARY OF THE POSITIONS OF THOSE  
53 MAKING PUBLIC COMMENTS AT MEETINGS OF THE COMMITTEE; THE RESPONSE OF THE  
54 COMMITTEE TO THOSE COMMENTS, IF ANY; THE CLINICAL EVIDENCE UPON WHICH  
55 THE COMMITTEE BASES ITS RECOMMENDATION; AND THE FINDINGS AND RECOMMENDA-  
56 TIONS OF THE COMMITTEE.

1 7. THE COMMISSIONER SHALL PROVIDE PUBLIC NOTICE ON THE DEPARTMENT'S  
2 WEBSITE OF HIS OR HER FINAL DETERMINATION, INCLUDING: THE NATURE OF THE  
3 DETERMINATION; AN ANALYSIS OF THE IMPACT OF THE COMMISSIONER'S DETERMI-  
4 NATION ON STATE PUBLIC HEALTH PLAN POPULATIONS AND PROVIDERS; AND THE  
5 PROJECTED FISCAL IMPACT TO THE STATE PUBLIC HEALTH PLAN PROGRAMS OF THE  
6 COMMISSIONER'S DETERMINATION. THE COMMISSIONER'S FINAL DETERMINATION  
7 SHALL NOT OCCUR PRIOR TO THE THIRTIETH DAY FROM THE POSTING OF THE  
8 COMMITTEE'S RECOMMENDATIONS AND FINDINGS ON THE DEPARTMENT'S WEBSITE.

9 8. THE RECOMMENDATIONS OF THE HEALTH TECHNOLOGY ASSESSMENT COMMITTEE,  
10 MADE PURSUANT TO THIS SECTION, SHALL BE BASED ON CLINICAL EFFECTIVENESS  
11 AND SAFETY. THE COMMITTEE SHALL TRIENNIALY REVIEW PREVIOUS RECOMMENDA-  
12 TIONS OF THE COMMITTEE AND PERMIT ORAL PRESENTATIONS AND THE SUBMISSION  
13 OF NEW EVIDENCE AT SUCH TRIENNIAL REVIEW. SUCH REVIEW SHALL OCCUR PURSU-  
14 ANT TO THE PROCEDURE ESTABLISHED IN SUBDIVISIONS FIVE AND SIX OF THIS  
15 SECTION. THE COMMISSIONER MAY ALTER OR REVOKE HIS OR HER FINAL DETERMI-  
16 NATION AFTER SUCH TRIENNIAL REVIEW PURSUANT TO THE PROCEDURE ESTABLISHED  
17 IN SUBDIVISION SEVEN OF THIS SECTION.

18 9. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMIT-  
19 TEE.

20 S 2. This act shall take effect immediately.