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

6583

I N S E N A T E

February 10, 2014

Introduced by Sen. RIVERA -- 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 managed long term care plans not being controlled or owned by for-profit health maintenance organizations or insurers

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

Section 1. Paragraph (b) of subdivision 1 of section 4403-f of the public health law, as added by chapter 659 of the laws of 1997, is amended to read as follows:

(b) "Eligible applicant" means an entity controlled or wholly owned by one or more of the following: a hospital as defined in subdivision one of section twenty-eight hundred one of this chapter; a home care agency licensed or certified pursuant to article thirty-six of this chapter; [an] A NOT-FOR-PROFIT entity that has received a certificate of authority pursuant to sections forty-four hundred three, forty-four hundred three-a or AN INTEGRATED DELIVERY SYSTEM THAT HAS RECEIVED A CERTIFICATE OF AUTHORITY PURSUANT TO SECTION forty-four hundred eight-a of this article (as added by chapter six hundred thirty-nine of the laws of nineteen hundred ninety-six), or a NOT-FOR-PROFIT health maintenance organization authorized under article forty-three of the insurance law; or a not-for-profit organization which has a history of providing or coordinating health care services and long term care services to the elderly and disabled; PROVIDED, HOWEVER, THAT AN ENTITY OWNED OR CONTROLLED BY AN ENTITY THAT HAS RECEIVED A CERTIFICATE OF AUTHORITY PURSUANT TO SECTION FORTY-FOUR HUNDRED THREE OR FORTY-FOUR HUNDRED THREE-A OF THIS ARTICLE AND HAS RECEIVED A CERTIFICATE OF AUTHORITY UNDER THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PROVISION SHALL BE DEEMED TO BE AN ELIGIBLE APPLICANT.

S 2. Section 4403-f of the public health law is amended by adding a new subdivision 15 to read as follows:

15. A MANAGED LONG TERM CARE PLAN MAY BE A PARTICIPANT IN AN ACCOUNTABLE CARE ORGANIZATION UNDER ARTICLE TWENTY-NINE-E OF THIS CHAPTER.

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

LBD04700-03-4

S 3. Subdivision 6 of section 2999-o of the public health law, as amended by chapter 461 of the laws of 2012, is amended to read as follows:

6. "Health care provider" includes but is not limited to an entity licensed or certified under article twenty-eight or thirty-six of this chapter; an entity licensed or certified under article sixteen, thirty-one or thirty-two of the mental hygiene law; OR ANY LAWFUL COMBINATION OF SUCH HEALTH CARE PROVIDERS, INCLUDING BUT NOT LIMITED TO A MANAGED LONG TERM CARE PLAN UNDER SECTION FORTY-FOUR HUNDRED THREE-F OF THIS CHAPTER; or a health care practitioner licensed or certified under title eight of the education law or a lawful combination of such health care practitioners; and may also include, to the extent provided by regulation of the commissioner, other entities that provide technical assistance, information systems and services, care coordination and other services to health care providers and patients participating in an ACO.

S 4. This act shall take effect immediately; provided, however, that the amendments to section 4403-f of the public health law made by sections one and two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.