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

6829

I N S E N A T E

March 14, 2014

Introduced by Sen. HANNON -- 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 the payment of the total average hourly worker cost to home care services agencies

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

Section 1. Subdivision 7 of section 3614-c of the public health law, as added by section 33 of part H of chapter 59 of the laws of 2011, is amended to read as follows:

7. If a certified home health agency [or], long term home health care program OR MANAGED CARE PLAN elects to provide home care aide services through contracts with licensed home care services agencies or through other third parties, provided that the episode of care on which the home care aide works is covered under the terms of this section, the certified home health agency, long term home health care program, or managed care plan must REIMBURSE THE LICENSED HOME CARE SERVICES AGENCY THE TOTAL AVERAGE HOURLY WORKER COST, INCLUDING THE CURRENT TOTAL COMPENSATION MANDATED AND ADDITIONAL FRINGE AND OTHER STATUTORY AND BENEFIT REQUIREMENTS, AND AN ADMINISTRATIVE AND GENERAL COST FACTOR THAT IS NO LESS THAN ALLOWED PURSUANT TO SUBDIVISION SIX OF SECTION THREE THOUSAND SIX HUNDRED TWELVE OF THIS ARTICLE, AND MUST obtain a written certification from the licensed home care services agency or other third party, on forms prepared by the department in consultation with the department of labor, which attests to the licensed home care services agency's or other third party's compliance with the terms of this section. Such certifications shall also obligate the certified home health agency, long term home health care program, or managed care plan to obtain, on no less than a quarterly basis, all information from the licensed home care services agency or other third parties necessary to verify compliance with the terms of this section. Such certifications and the information exchanged pursuant to them shall be retained by all certified home health agencies, long term home health care programs, or managed care plans, and all licensed home care services agencies, or other third parties for a period of no less than ten years, and made available to the department upon request.

S 2. This act shall take effect immediately.

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

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