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I N   S E N A T E

May 15, 2014

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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 equitable and consistent access to outpatient care services

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

1     Section 1. Paragraphs (iii) and (iv) of subdivision 2 of section  
2     2803-1 of the public health law, as amended by chapter 639 of the laws  
3     of 1996, are amended and a new paragraph (v) is added to read as  
4     follows:  
5     (iii) demonstrate the hospital's operational and financial commitment  
6     to meeting community health care needs, to provide charity care services  
7     and to improve access to health care services by the underserved; [and]  
8     (iv) prepare and make available to the public a statement showing on a  
9     combined basis a summary of the financial resources of the hospital and  
10    related corporations and the allocation of available resources to hospital  
11    purposes including the provision of free or reduced charge  
12    services[.]; AND  
13    (V) DEMONSTRATE THE HOSPITAL'S COMMITMENT TO ENSURING QUALITY CARE AND  
14    CONTINUITY OF CARE WITHIN ALL TREATMENT SETTINGS FOR ALL PATIENT POPU-  
15    LATIONS, INCLUDING PERSONS COVERED BY MEDICAID AND THE UNINSURED, IN  
16    ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED FIVE-X OF  
17    THIS ARTICLE.  
18    S 2. The public health law is amended by adding a new section 2805-x  
19    to read as follows:  
20    S 2805-X. ACCESS TO OUTPATIENT SERVICES. EVERY GENERAL HOSPITAL SHALL  
21    ESTABLISH POLICIES THAT ASSURE EQUITABLE AND CONSISTENT ACCESS TO OUTPA-  
22    TIENT CARE SERVICES THAT MAY BE PROVIDED OR ARRANGED BY SUCH HOSPITAL  
23    THROUGH HOSPITAL-AFFILIATED OUTPATIENT DEPARTMENTS, CLINICS, FACULTY  
24    PRACTICE PLANS OR PRIVATE PHYSICIAN PRACTICES, REGARDLESS OF A PATIENT'S  
25    SOURCE OF COVERAGE OR PAYMENT. SUCH POLICIES SHALL BE INCORPORATED WITH-  
26    IN THE GENERAL HOSPITAL'S COMMUNITY SERVICES PLAN, IN ACCORDANCE WITH  
27    THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED THREE-L OF THIS ARTICLE.  
28    TO ASSIST GENERAL HOSPITALS IN SATISFYING THESE OBLIGATIONS AND DEVELOP-

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

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1   ING SUCH POLICIES, THE DEPARTMENT SHALL EXAMINE BARRIERS THAT MAY EXIST  
2   TO ASSURING EQUITABLE ACCESS TO HEALTH CARE SERVICES. IN CONDUCTING SUCH  
3   EXAMINATION, THE DEPARTMENT SHALL CONSIDER ANY STATE OR FEDERAL REGULA-  
4   TORY OR REIMBURSEMENT POLICIES THAT DISCOURAGE EQUITABLE ACCESS, REGARD-  
5   LESS OF THE PATIENT'S SOURCE OF COVERAGE OR PAYMENT. THE DEPARTMENT  
6   SHALL ALSO EXAMINE THE EXTENT TO WHICH INSURANCE AND MANAGED CARE BENE-  
7   FIT DESIGNS MAY DISCOURAGE OR PRECLUDE ACCESS TO APPROPRIATE SERVICES BY  
8   PATIENTS, REGARDLESS OF THE PATIENT'S SOURCE OF COVERAGE OR PAYMENT. THE  
9   COMMISSIONER SHALL, ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND  
10  FOURTEEN, ISSUE A REPORT ON SUCH EXAMINATION INCLUDING RECOMMENDATIONS  
11  FOR ANY NECESSARY LEGISLATIVE OR REGULATORY CHANGES TO ENHANCE ACCESS TO  
12  SERVICES, AND DETAILING ANY FEDERAL STATUTORY OR REGULATORY BARRIERS.

13   S 3. This act shall take effect immediately, except that section one  
14  of the act shall take effect on October 1, 2014 and the provisions of  
15  such section shall apply to community service plans due and submitted on  
16  or after such date.