

2714

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. SCHIMMINGER, GABRYSZAK -- Multi-Sponsored by --
M. of A. GIGLIO, HAWLEY, HOOPER, MAGEE, RIVERA -- read once and
referred to the Committee on Health

AN ACT to amend the social services law, in relation to the character
and adequacy of Medicaid assistance and to repeal paragraph (n) of
subdivision 2 of section 365-a of the social services law relating to
the care and services of audiologists

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

1 Section 1. Paragraph (a) of subdivision 2 of section 365-a of the
2 social services law, as amended by chapter 47 of the laws of 1996, is
3 amended to read as follows:
4 (a) services of qualified physicians, [dentists, nurses, and private
5 duty nursing services shall be further subject to the provisions of
6 section three hundred sixty-seven-o of this chapter,] optometrists,
7 NURSE MIDWIVES, NURSE PRACTITIONERS, and other related professional
8 personnel;
9 S 2. Paragraph (f) of subdivision 2 of section 365-a of the social
10 services law, as added by chapter 184 of the laws of 1969 and as relet-
11 tered by chapter 478 of the laws of 1980, is amended to read as follows:
12 (f) preventive, prophylactic and other routine dental care, services
13 and supplies ONLY WHEN PROVIDED IN A HOSPITAL OUTPATIENT OR CLINIC
14 FACILITY REFERRED TO IN PARAGRAPH (C) OF THIS SUBDIVISION;
15 S 3. Paragraph (g) of subdivision 2 of section 365-a of the social
16 services law, as amended by section 7 of part D of chapter 56 of the
17 laws of 2012, is amended to read as follows:
18 (g) sickroom supplies, eyeglasses, AND prosthetic appliances [and
19 dental prosthetic appliances] furnished in accordance with the regu-
20 lations of the department; provided further that: (i) the commissioner
21 of health is authorized to implement a preferred diabetic supply program
22 wherein the department of health will receive enhanced rebates from

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

LBD04839-01-3

1 preferred manufacturers of glucometers and test strips, and may subject
2 non-preferred manufacturers' glucometers and test strips to prior
3 authorization under section two hundred seventy-three of the public
4 health law; (ii) enteral formula therapy and nutritional supplements are
5 limited to coverage only for nasogastric, jejunostomy, or gastrostomy
6 tube feeding, for treatment of an inborn metabolic disorder, or to
7 address growth and development problems in children, or, subject to
8 standards established by the commissioner, for persons with a diagnosis
9 of HIV infection, AIDS or HIV-related illness or other diseases and
10 conditions; (iii) prescription footwear and inserts are limited to
11 coverage only when used as an integral part of a lower limb orthotic
12 appliance, as part of a diabetic treatment plan, or to address growth
13 and development problems in children; [and] (iv) compression and support
14 stockings are limited to coverage only for pregnancy or treatment of
15 venous stasis ulcers; AND (V) THE COMMISSIONER OF HEALTH IS AUTHORIZED
16 TO REQUIRE PRIOR APPROVAL OF ANY PRESCRIPTION DRUG THAT IS PRESCRIBED
17 FOR A RESIDENT OF A NURSING HOME AND THAT IS NOT REIMBURSED AS PART OF
18 THE NURSING HOME'S MEDICAID RATE;

19 S 4. Paragraph (l) of subdivision 2 of section 365-a of the social
20 services law, as amended by chapter 81 of the laws of 1995, is amended
21 to read as follows:

22 (l) care and services of podiatrists, CLINICAL PSYCHOLOGISTS, NURSES
23 AND AUDIOLOGISTS, INCLUDING SUCH CARE AND SERVICES PROVIDED IN A HOSPI-
24 TAL OUT-PATIENT OR CLINIC FACILITY REFERRED TO IN PARAGRAPH (C) OF THIS
25 SUBDIVISION, AND DENTISTS, which care and services shall only be
26 provided upon referral by a physician, nurse practitioner or certified
27 nurse midwife in accordance with the program of early and periodic
28 screening and diagnosis established pursuant to subdivision three of
29 this section or to persons eligible for benefits under title XVIII of
30 the federal social security act as qualified medicare beneficiaries in
31 accordance with federal requirements therefor [and private duty nurses
32 which care and services shall only be provided in accordance with regu-
33 lations of the department of health; provided, however, that private
34 duty nursing services shall not be restricted when such services are
35 more appropriate and cost-effective than nursing services provided by a
36 home health agency pursuant to section three hundred sixty-seven-1];

37 S 5. Paragraph (n) of subdivision 2 of section 365-a of the social
38 services law, as added by chapter 556 of the laws of 1986, is REPEALED.

39 S 6. The commissioner of health is authorized to promulgate or adopt
40 any rules or regulations necessary to implement the provisions of this
41 act and any procedures, forms, or instructions necessary for such imple-
42 mentation may be adopted and issued on or after the effective date of
43 this act. Notwithstanding any inconsistent provision of the state admin-
44 istrative procedure act or any other provision of law, rule or regu-
45 lation, the commissioner of health and the superintendent of insurance
46 and any appropriate council is authorized to adopt or amend or promul-
47 gate on an emergency basis any regulation he or she or such council
48 determines necessary to implement any provision of this act on its
49 effective date.

50 S 7. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law.