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

7845

2013-2014 Regular Sessions

I N A S S E M B L Y

June 6, 2013

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to provision of certified home health agency services, long term home health care programs and AIDS home care programs

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

Section 1. Section 3616 of the public health law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY LAW OR REGULATION TO THE CONTRARY, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE COMMISSIONER SHALL ADOPT REGULATIONS ON AN EMERGENCY BASIS TO PROVIDE THAT IF A CERTIFIED HOME HEALTH AGENCY OR LONG TERM HOME HEALTH CARE PROGRAM IS PROVIDING SERVICES TO A PATIENT ENROLLED IN A MANAGED CARE PLAN OR A MANAGED LONG TERM CARE PLAN, IN A CONTRACTUAL CAPACITY WITH SUCH PLAN, SUCH SERVICES SHALL BE PROVIDED IN ACCORDANCE WITH THE REGULATIONS APPLICABLE TO LICENSED HOME CARE SERVICES AGENCIES. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF TITLE XVIII OF THE SOCIAL SECURITY ACT APPLIES TO SUCH SERVICES AND TO THE PATIENT RECEIVING SUCH SERVICES AND SUCH ACT REQUIRES OTHERWISE.

S 2. This act shall take effect immediately.

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

LBD11196-01-3