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

8083

2013-2014 Regular Sessions

I N A S S E M B L Y

June 18, 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 the regulation of managed long term care plans

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 7 of section 4403-f of the public health law, as amended by section 41-b of part H of chapter 59 of the laws of 2011, is amended to read as follows:

(i) The commissioner shall promulgate regulations to implement this section and to ensure the quality, appropriateness and cost-effectiveness of the services provided by managed long term care plans. The commissioner may waive rules and regulations of the department, including but not limited to, those pertaining to duplicative requirements concerning record keeping, boards of directors, staffing and reporting, when such waiver will promote the efficient delivery of appropriate, quality, cost-effective services and when the health, safety and general welfare of enrollees will not be impaired as a result of such waiver. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS CHAPTER, WITH RESPECT TO HOME CARE AND PERSONAL CARE SERVICES RENDERED TO ENROLLEES OF MANAGED LONG TERM CARE PLANS PURSUANT TO CONTRACTS BETWEEN MANAGED LONG TERM CARE PLANS AND PROVIDERS OF HOME CARE AND PERSONAL CARE SERVICES, THE COMMISSIONER MAY ALSO WAIVE RULES AND REGULATIONS OF THE DEPARTMENT PERTAINING TO THE FORM OR FREQUENCY OF ASSESSMENT, STAFF SUPERVISION, CARE PLAN REVIEW, REPORTING OR OTHER PROCEDURES FOR MANAGED LONG TERM CARE PLAN COVERED SERVICES REGULATED UNDER ARTICLE THIRTY-SIX OF THIS CHAPTER, INCLUDING THOSE PERTAINING TO SUCH ARTICLE'S REQUIREMENT THAT SERVICES MEET THE HOME HEALTH AGENCY PROVISIONS UNDER TITLES XVIII OR XIX OF THE FEDERAL SOCIAL SECURITY ACT. In order to achieve managed long term care plan system efficiencies and coordination and to promote the objectives of high quality, integrated and cost effective care, the

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

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commissioner may establish a single coordinated surveillance process, allow for a comprehensive quality improvement and review process to meet component quality requirements, and require a uniform cost report. The commissioner shall require managed long term care plans to utilize quality improvement measures, based on health outcomes data, for internal quality assessment processes and may utilize such measures as part of the single coordinated surveillance process.

S 2. This act shall take effect immediately; provided, that the amendments to subparagraph (i) of paragraph (a) of subdivision 7 of section 4403-f of the public health law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.