

8195--A

2013-2014 Regular Sessions

I N A S S E M B L Y

October 4, 2013

Introduced by M. of A. FAHY, GOTTFRIED, STECK, WEPRIN, JAFFEE, GUNTHER, BUCHWALD, SKOUFIS, LUPARDO, DUPREY, TEDISCO, O'DONNELL, SCHIMEL, WEISENBERG, ZEBROWSKI, COLTON, GALEF, LIFTON, DIPIETRO, JOHNS, MAYER -- Multi-Sponsored by -- M. of A. BRENNAN, CROUCH, ENGLEBRIGHT, McLAUGHLIN, SEPULVEDA -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to financial responsibility and reimbursement for payment for early intervention services

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

1 Section 1. The opening paragraph of paragraph (a) of subdivision 3 of
2 section 2559 of the public health law, as amended by section 11 of part
3 A of chapter 56 of the laws of 2012, is amended to read as follows:
4 [Providers of evaluations and early intervention services, hereinafter
5 collectively referred to in this subdivision as "provider" or "providers",]
6 THE STATE, OR ITS DESIGNATED FISCAL AGENT shall in the first
7 instance and where applicable, seek payment from all third party payors
8 including governmental agencies prior to claiming payment from a given
9 municipality for evaluations conducted under the program and for
10 services rendered to eligible children, provided that, the obligation to
11 seek payment shall not apply to a payment from a third party payor who
12 is not prohibited from applying such payment, and will apply such
13 payment, to an annual or lifetime limit specified in the insured's policy.
14 cy.
15 S 2. Subdivision 1 of section 2557 of the public health law, as
16 amended by section 4 of part C of chapter 1 of the laws of 2002, is
17 amended to read as follows:
18 1. The approved costs for an eligible child who receives an evaluation
19 and early intervention services pursuant to this title shall be a charge

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

LBD11760-09-4

1 upon the municipality wherein the eligible child resides AND THE STATE
2 or, where the services are covered by the medical assistance program,
3 upon the social services district of fiscal responsibility with respect
4 to those eligible children who are also eligible for medical assistance.
5 All approved costs shall be paid in the first instance [and at least
6 quarterly] WITHIN THIRTY DAYS by the appropriate governing body or offi-
7 cer of the municipality AND THE STATE upon vouchers presented and audit-
8 ed in the same manner as the case of other claims against the munici-
9 pality. Notwithstanding the insurance law or regulations thereunder
10 relating to the permissible exclusion of payments for services under
11 governmental programs, no such exclusion shall apply with respect to
12 payments made pursuant to this title. Notwithstanding the insurance law
13 or any other law or agreement to the contrary, benefits under this title
14 shall be considered secondary to any plan of insurance or state govern-
15 ment benefit program under which an eligible child may have coverage.
16 Nothing in this section shall increase or enhance coverages provided for
17 within an insurance contract subject to the provisions of this title.

18 S 3. Subdivision 5 of section 2557 of the public health law is amended
19 by adding a new paragraph (d) to read as follows:

20 (D) THE FISCAL AGENT SHALL, AT LEAST QUARTERLY, CONDUCT A RECONCIL-
21 IATION OF THIRD PARTY REIMBURSEMENT PURSUANT TO SUBDIVISION THREE OF
22 SECTION TWENTY-FIVE HUNDRED FIFTY-NINE OF THIS ARTICLE, AND PROVIDE
23 REIMBURSEMENT IN EQUAL PROPORTION TO THE STATE AND MUNICIPALITY UPON
24 VOUCHERS FOR EARLY INTERVENTION SERVICES THAT HAVE BEEN PAID.

25 S 4. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after June 1, 2014.