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

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I N A S S E M B L Y

February 4, 2014

Introduced by M. of A. MORELLE, COOK, GALEF, BROOK-KRASNY, SKOUFIS -- Multi-Sponsored by -- M. of A. ABINANTI, ARROYO, BRINDISI, JACOBS, JAFFEE, MAGNARELLI, McDONALD, OTIS, PEOPLES-STOKES, SCARBOROUGH, STECK, STIRPE, THIELE, ZEBROWSKI -- read once and referred to the Committee on Health

AN ACT to amend the social services law and the public health law, in relation to providers of goods or services to local social services districts under the medical assistance program

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

Section 1. Subdivision 2 of section 364 of the social services law is amended by adding 2 new paragraphs (i) and (j) to read as follows:

(I) ESTABLISHING A POLICY FOR COMPLETING BACKGROUND CHECKS ON PROSPECTIVE APPLICANTS FOR THE PROVISION OF GOODS OR SERVICES TO A LOCAL SOCIAL SERVICES DISTRICT UNDER THE MEDICAL ASSISTANCE PROGRAM. SUCH POLICY SHALL APPLY ONE UNIFORM STANDARD FOR THE COMPLETION OF BACKGROUND CHECKS FOR ALL APPLICANTS.

(J) ESTABLISHING AN ATTESTATION FOR APPLICANTS FOR THE PROVISION OF GOODS OR SERVICES TO A LOCAL SOCIAL SERVICES DISTRICT UNDER THE MEDICAL ASSISTANCE PROGRAM. SUCH ATTESTATION SHALL BE IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER OF HEALTH, SHALL BE SIGNED BY THE APPLICANT ON BEHALF OF ANY EXECUTIVE OF THE APPLICANT AND ANY AFFILIATE OF THE APPLICANT AND SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING STATEMENTS:

(I) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT WAS NEVER CONVICTED OF A CRIME RELATED TO HEALTH CARE FRAUD;

(II) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT HAS NEVER VIOLATED THE FEDERAL FALSE CLAIMS ACT;

(III) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT WAS NEVER CONVICTED OF AN ACT THAT WOULD BE A FELONY UNDER TITLE K OF THE PENAL LAW;

(IV) THAT ANY EXECUTIVE OR AFFILIATE OF THE APPLICANT HAS NOT ENGAGED IN BEHAVIOR THAT WOULD INDICATE THAT SUCH EXECUTIVE OR AFFILIATE OF THE APPLICANT IS UNSUITABLE TO PROVIDE SUCH GOODS OR SERVICES; OR

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

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(V) ANY OTHER STATEMENT THAT SUCH COMMISSIONER DEEMS NECESSARY.

S 2. The public health law is amended by adding a new section 37 to read as follows:

S 37. MEDICAL ASSISTANCE PROGRAM; EXCLUDED APPLICANT. THE INSPECTOR SHALL, UPON RECEIVING NOTICE THAT AN APPLICANT, ANY EXECUTIVE OF THE APPLICANT OR ANY AFFILIATE OF THE APPLICANT TO PROVIDE GOODS OR SERVICES TO A LOCAL SOCIAL SERVICES DISTRICT UNDER THE MEDICAL ASSISTANCE PROGRAM HAS: (1) BEEN CONVICTED OF A CRIME RELATED TO HEALTH CARE FRAUD; (2) VIOLATED THE FEDERAL FALSE CLAIMS ACT; (3) BEEN CONVICTED OF AN ACT THAT WOULD BE A FELONY UNDER TITLE K OF THE PENAL LAW; OR (4) ENGAGED IN BEHAVIOR THAT WOULD INDICATE THAT SUCH APPLICANT, EXECUTIVE OR AFFILIATE OF THE APPLICANT IS UNSUITABLE TO PROVIDE SUCH GOODS OR SERVICES, SHALL EXCLUDE SUCH APPLICANT, ANY EXECUTIVE OF THE APPLICANT AND ANY AFFILIATE OF THE APPLICANT FROM SUCH GOODS OR SERVICES.

S 3. This act shall take effect on the sixtieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.