

1212--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. RANZENHOFER, BONACIC, DeFRANCISCO, LARKIN, MAZIARZ
-- read twice and ordered printed, and when printed to be committed to
the Committee on Health -- recommitted to the Committee on Health in
accordance with Senate Rule 6, sec. 8 -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

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 21 of part A of chapter 56 of the
17 laws of 2013, is amended to read as follows:

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

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1 (g) sickroom supplies, eyeglasses, AND prosthetic appliances [and
2 dental prosthetic appliances] furnished in accordance with the regu-
3 lations of the department; provided further that: (i) the commissioner
4 of health is authorized to implement a preferred diabetic supply program
5 wherein the department of health will receive enhanced rebates from
6 preferred manufacturers of glucometers and test strips, and may subject
7 non-preferred manufacturers' glucometers and test strips to prior
8 authorization under section two hundred seventy-three of the public
9 health law; (ii) enteral formula therapy and nutritional supplements are
10 limited to coverage only for nasogastric, jejunostomy, or gastrostomy
11 tube feeding, for treatment of an inborn metabolic disorder, or to
12 address growth and development problems in children, or, subject to
13 standards established by the commissioner, for persons with a diagnosis
14 of HIV infection, AIDS or HIV-related illness or other diseases and
15 conditions; (iii) prescription footwear and inserts are limited to
16 coverage only when used as an integral part of a lower limb orthotic
17 appliance, as part of a diabetic treatment plan, or to address growth
18 and development problems in children; (iv) compression and support
19 stockings are limited to coverage only for pregnancy or treatment of
20 venous stasis ulcers; and (v) the commissioner of health is authorized
21 to implement an incontinence supply utilization management program to
22 reduce costs without limiting access through the existing provider
23 network, including but not limited to single or multiple source
24 contracts or, a preferred incontinence supply program wherein the
25 department of health will receive enhanced rebates from preferred
26 manufacturers of incontinence supplies, and may subject non-preferred
27 manufacturers' incontinence supplies to prior approval pursuant to regu-
28 lations of the department, provided any necessary approvals under feder-
29 al law have been obtained to receive federal financial participation in
30 the costs of incontinence supplies provided pursuant to this subpara-
31 graph; AND (VI) THE COMMISSIONER OF HEALTH IS AUTHORIZED TO REQUIRE
32 PRIOR APPROVAL OF ANY PRESCRIPTION DRUG THAT IS PRESCRIBED FOR A RESI-
33 DENT OF A NURSING HOME AND THAT IS NOT REIMBURSED AS PART OF THE NURSING
34 HOME'S MEDICAID RATE;

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

38 (l) care and services of podiatrists, CLINICAL PSYCHOLOGISTS, NURSES
39 AND AUDIOLOGISTS, INCLUDING SUCH CARE AND SERVICES PROVIDED IN A HOSPI-
40 TAL OUT-PATIENT OR CLINIC FACILITY REFERRED TO IN PARAGRAPH (C) OF THIS
41 SUBDIVISION, AND DENTISTS, which care and services shall only be
42 provided upon referral by a physician, nurse practitioner or certified
43 nurse midwife in accordance with the program of early and periodic
44 screening and diagnosis established pursuant to subdivision three of
45 this section or to persons eligible for benefits under title XVIII of
46 the federal social security act as qualified medicare beneficiaries in
47 accordance with federal requirements therefor [and private duty nurses
48 which care and services shall only be provided in accordance with regu-
49 lations of the department of health; provided, however, that private
50 duty nursing services shall not be restricted when such services are
51 more appropriate and cost-effective than nursing services provided by a
52 home health agency pursuant to section three hundred sixty-seven-l];

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

55 S 6. The commissioner of health is authorized to promulgate or adopt
56 any rules or regulations necessary to implement the provisions of this

1 act and any procedures, forms, or instructions necessary for such imple-
2 mentation may be adopted and issued on or after the effective date of
3 this act. Notwithstanding any inconsistent provision of the state admin-
4 istrative procedure act or any other provision of law, rule or regu-
5 lation, the commissioner of health and the superintendent of insurance
6 and any appropriate council is authorized to adopt or amend or promul-
7 gate on an emergency basis any regulation he or she or such council
8 determines necessary to implement any provision of this act on its
9 effective date.

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