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

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2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

Introduced by Sen. YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the continuity and integration of the home telehealth program within the home care-managed care system

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

Section 1. Short title. This act shall be known and may be referred to as the "telehealth continuity and integration act".

S 2. Legislative intent. The legislature finds that home telehealth services are emerging as a vital health care modality for the state's residents, enabling new and advanced technological methods of monitoring, management and self-management of patient health at home. Both empirical and descriptive studies provide clear and mounting evidence of home telehealth's capacity for achieving improved patient outcomes, system-wide cost-effectiveness and overall more appropriate institutional/non-institutional health resource use.

As the state's health care system shifts to a managed care paradigm, complementary changes to the home telehealth program are necessary to enable it to continue and properly function within this evolving system. In view of the current and potential future benefits of the home telehealth program to the state's citizens and overall health care system, the legislature declares this act to be a priority of the state's health care actions.

S 3. Subdivision 3-c of section 3614 of the public health law is amended by adding a new paragraph (f) to read as follows:

(F) NOTWITHSTANDING SUBDIVISION THIRTEEN OF THIS SECTION, SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF SECTION FORTY-FOUR HUNDRED THREE-F OF THIS CHAPTER OR PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW, PROVISION OF HOME

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

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TELEHEALTH SERVICES AND REIMBURSEMENT FOR SUCH SERVICES SHALL CONTINUE TO BE AUTHORIZED FOR CERTIFIED HOME HEALTH AGENCIES, LONG TERM HOME HEALTH CARE PROGRAMS AND LICENSED HOME CARE SERVICES AGENCIES PURSUANT TO THIS SUBDIVISION.

S 4. Clauses 11 and 12 of subparagraph (v) of paragraph (b) of subdivision 7 of section 4403-f of the public health law are renumbered clauses 12 and 13, and a new clause 11 is added to read as follows:

(11) A PERSON RECEIVING HOME TELEHEALTH SERVICES PURSUANT TO SUBDIVISION THREE-C OF SECTION THIRTY-SIX HUNDRED FOURTEEN OF THIS CHAPTER;

S 5. Subdivision 10 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:

10. Notwithstanding any inconsistent provision to the contrary, the enrollment and disenrollment process and services provided or arranged by all operating demonstrations or any program that receives designation as a Program of All-Inclusive Care for the Elderly (PACE) as authorized by federal public law 105-33, subtitle I of title IV of the Balanced Budget Act of 1997, must meet all applicable federal requirements. Services may include, but need not be limited to, housing, inpatient and outpatient hospital services, nursing home care, home health care, adult day care, assisted living services provided in accordance with article forty-six-B of this chapter, adult care facility services, enriched housing program services, hospice care, respite care, personal care, homemaker services, diagnostic laboratory services, therapeutic and diagnostic radiologic services, emergency services, emergency alarm systems, home delivered meals, physical adaptations to the client's home, physician care (including consultant and referral services), ancillary services, case management services, transportation, and related medical services. SERVICES TO ENROLLEES MAY ALSO INCLUDE HOME TELEHEALTH SERVICES; PROVIDED, HOWEVER, THAT SUCH SERVICES SHALL BE PROVIDED AND REIMBURSED PURSUANT TO THE PROVISIONS OF SUBDIVISION THREE-C OF SECTION THIRTY-SIX HUNDRED FOURTEEN OF THIS CHAPTER.

S 6. This act shall take effect immediately, provided that the amendments to paragraph (b) of subdivision 7 and subdivision 10 of section 4403-f of the public health law, made by sections four and five of this act, respectively, shall not affect the expiration and reversion of such paragraph or the repeal of such section, and shall expire and be deemed repealed therewith.