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

8511

2015-2016 Regular Sessions

I N  A S S E M B L Y

October 9, 2015

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to reimbursement for donor human breast milk

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

Section 1. The public health law is amended by adding a new section 2505-b to read as follows:

S 2505-B. REIMBURSEMENT FOR BREAST MILK. 1. THE DEPARTMENT SHALL REIMBURSE A MEDICAL CARE FACILITY FOR PRESCRIBED MEDICALLY NECESSARY DONOR HUMAN BREAST MILK PROVIDED TO A RECIPIENT OF MEDICAL ASSISTANCE IF:

(A) SUCH RECIPIENT IS:

(I) AN INFANT UNDER THE AGE OF THREE MONTHS;

(II) CRITICALLY ILL; AND

(III) IN THE NEONATAL INTENSIVE CARE UNIT OF THE HOSPITAL;

(B) A PERSON LICENSED TO PRACTICE MEDICINE AND SURGERY ORDERS THE DONOR HUMAN BREAST MILK FOR THE RECIPIENT;

(C) THE DEPARTMENT DETERMINES THAT THE DONOR HUMAN BREAST MILK IS MEDICALLY NECESSARY FOR THE RECIPIENT;

(D) THE PARENT OR LEGAL GUARDIAN OF THE RECIPIENT SIGNS AND DATES AN INFORMED CONSENT FORM INDICATING THE RISKS AND BENEFITS OF USING BANKED DONOR HUMAN BREAST MILK; AND

(E) THE DONOR HUMAN BREAST MILK IS OBTAINED FROM A DONOR HUMAN BREAST MILK BANK THAT MEETS THE QUALITY REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

2. AN ELECTRONIC PRIOR AUTHORIZATION SYSTEM THAT USES THE BEST MEDICAL EVIDENCE AND CARE AND TREATMENT GUIDELINES CONSISTENT WITH NATIONAL STANDARDS SHALL BE USED BY THE DEPARTMENT TO DETERMINE MEDICAL NECESSITY.

3. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

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4. THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE PROVISIONS OF THIS SECTION IN A MANNER CONSISTENT WITH APPLICABLE FEDERAL LAWS AND REGULATIONS. THE DEPARTMENT SHALL SEEK ANY NECESSARY APPROVALS OF THE FEDERAL GOVERNMENT THAT ARE REQUIRED FOR THE IMPLEMENTATION OF THIS SECTION.

S 2. This act shall take effect immediately.