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

6583

I N S E N A T E

January 28, 2016

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring medical assistance coverage for the cost of donor breast milk in certain circumstances

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

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (dd) to read as follows:

(DD) THE COST OF DONOR BREAST MILK, FOR HOME AND INPATIENT USE, FOR WHICH A LICENSED MEDICAL PRACTITIONER HAS ISSUED A WRITTEN OR ELECTRONIC ORDER. SUCH ORDER SHALL STATE THAT THE INFANT HAS A DOCUMENTED BIRTH WEIGHT OF ONE THOUSAND FIVE HUNDRED GRAMS OR LESS, AND/OR HAS A CONGENITAL OR ACQUIRED INTESTINAL CONDITION, AND IS THEREFORE AT A HIGH RISK FOR DEVELOPMENT OF FEEDING INTOLERANCE, NECROTIZING ENTEROCOLITIS AND/OR INFECTION, WHICH REQUIRES NOURISHMENT BY BREAST MILK, AND THE MOTHER OR INFANT IS CURRENTLY MEDICALLY OR PHYSICALLY UNABLE TO PRODUCE OR RECEIVE MATERNAL BREAST MILK OR PARTICIPATE IN BREAST FEEDING. COVERAGE FOR DONOR BREAST MILK SHALL BE NOT LESS THAN AN AMOUNT EQUAL TO THE MARKET COST OF SUCH MILK PROCURED FROM A HUMAN MILK BANK ASSOCIATION OF NORTH AMERICA CERTIFIED MILK BANK, PLUS TWENTY PERCENT OF SUCH COST FOR THE PROCESSING THEREOF. THE PAYMENT OF THE COST OF DONOR BREAST MILK SHALL BE EXCLUSIVE OF ANY OTHER CONTRACTUAL OBLIGATIONS THAT EXIST BETWEEN A HOSPITAL AND THE MEDICAL ASSISTANCE PROGRAM OR THE DEPARTMENT OF HEALTH.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

LBD13070-04-5