

379--B

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ABINANTI, SKOUFIS, MOSLEY, CURRAN, RAIA --
Multi-Sponsored by -- M. of A. McDONOUGH, RA -- read once and referred
to the Committee on Health -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee --
recommitted to the Committee on Health in accordance with Assembly
Rule 3, sec. 2 -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to payment of claims
submitted by healthcare agencies

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

1 Section 1. Section 3621 of the public health law, as added by section
2 57-a of part A of chapter 56 of the laws of 2013, is amended to read as
3 follows:

4 S 3621. Payment of claims. 1. Notwithstanding any law to the contrary,
5 the provisions of section thirty-two hundred twenty-four-a of the insur-
6 ance law, and regulations thereunder, shall apply to claims for payment
7 submitted by a licensed home care services agency, certified home health
8 agency, long term home health care program, or fiscal intermediary oper-
9 ating under section three hundred sixty-five-f of the social services
10 law, pursuant to a contract with a payor under section forty-four
11 hundred three-f of this chapter or section three hundred sixty-four-j of
12 the social services law, and such claims shall be subject to and settled
13 in compliance with the standards set forth in such section.

14 2. FOR THE PURPOSES OF THIS SECTION, A "CLEAN CLAIM" SHALL:

15 (A) IDENTIFY THE LICENSED HOME CARE SERVICES PROGRAM, CERTIFIED HOME
16 HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM OR FISCAL INTERMEDIARY
17 OPERATING PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL
18 SERVICES LAW;

19 (B) SUFFICIENTLY IDENTIFY THE ELIGIBLE COVERED PERSON;

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

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1 (C) LIST THE DATE AND PLACE OF SERVICE;

2 (D) SUBSTANTIATE THE APPROPRIATENESS OF THE SERVICE PROVIDED;

3 (E) STATE IF PRIOR AUTHORIZATION IS REQUIRED FOR SUCH ELIGIBLE COVERED
4 PERSON AND SERVICE; AND

5 (F) STATE ANY DOCUMENTATION AS REASONABLY REQUIRED BY ANY ENTITY
6 REFERENCED IN THIS SECTION.

7 3. EACH CLEAN CLAIM OR PAYMENT FOR SERVICES PROCESSED IN VIOLATION OF
8 THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION. IN ADDITION TO THE
9 PENALTIES PROVIDED IN THIS CHAPTER, ANY ORGANIZATION OR CORPORATION THAT
10 FAILS TO ADHERE TO THE STANDARDS CONTAINED IN THIS SECTION SHALL BE
11 OBLIGATED TO PAY TO CERTIFIED HOME HEALTH AGENCIES, LONG TERM HOME
12 HEALTH CARE PROGRAMS, LICENSED HOME HEALTH CARE PROGRAMS OR FISCAL
13 INTERMEDIARIES OPERATING PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-F
14 OF THE SOCIAL SERVICES LAW IN FULL SETTLEMENT OF THE BILL, CLAIM OR
15 PAYMENT PLUS INTEREST ON THE AMOUNT OF SUCH BILL, CLAIM OR PAYMENT OF
16 THE GREATER OF THE RATE EQUAL TO THE RATE SET BY THE COMMISSIONER OF
17 TAXATION AND FINANCE FOR CORPORATE TAXES PURSUANT TO PARAGRAPH ONE OF
18 SUBSECTION (E) OF SECTION ONE THOUSAND NINETY-SIX OF THE TAX LAW OR
19 TWELVE PERCENT PER ANNUM, TO BE COMPUTED FROM THE DATE THE BILL, CLAIM
20 OR PAYMENT WAS REQUIRED TO BE MADE.

21 S 2. This act shall take effect immediately.