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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

(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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(C) LIST THE DATE AND PLACE OF SERVICE;
(D) SUBSTANTIATE THE APPROPRIATENESS OF THE SERVICE PROVIDED;
(E) STATE IF PRIOR AUTHORIZATION IS REQUIRED FOR SUCH ELIGIBLE COVERED PERSON AND SERVICE; AND
(F) STATE ANY DOCUMENTATION AS REASONABLY REQUIRED BY ANY ENTITY REFERENCED IN THIS SECTION.

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

S 2. This act shall take effect immediately.