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

7714--C

Cal. No. 310

2015-2016 Regular Sessions

I N A S S E M B L Y

May 26, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to the provision of off-site health care services

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

Section 1. Section 2803 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE, OR ANY RULE OR REGULATION UNDER THIS ARTICLE TO THE CONTRARY, THE COMMISSIONER SHALL ALLOW OUTPATIENT CLINICS OF GENERAL HOSPITALS AND DIAGNOSTIC AND TREATMENT CENTERS TO PROVIDE OFF-SITE PRIMARY CARE SERVICES THAT ARE:

(A) PRIMARY CARE SERVICES ORDINARILY PROVIDED TO PATIENTS ON-SITE AT THE OUTPATIENT CLINIC OR DIAGNOSTIC AND TREATMENT CENTER AND ARE NOT HOME CARE SERVICES DEFINED IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER OR THE PROFESSIONAL SERVICES ENUMERATED IN SUBDIVISION TWO OF SUCH SECTION;

(B) PROVIDED BY A PRIMARY CARE PROFESSIONAL TO A PATIENT WITH A PRE-EXISTING CLINICAL RELATIONSHIP WITH THE OUTPATIENT CLINIC OR DIAGNOSIS AND TREATMENT CENTER, OR WITH THE HEALTH CARE PROFESSIONAL PROVIDING THE SERVICE; AND

(C) PROVIDED TO A PATIENT WHO IS UNABLE TO LEAVE HIS OR HER RESIDENCE TO RECEIVE SERVICES AT THE OUTPATIENT CLINIC OR DIAGNOSTIC AND TREATMENT

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

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CENTER WITHOUT UNREASONABLE DIFFICULTY DUE TO CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO, CLINICAL IMPAIRMENT.

NOTHING IN THIS SUBDIVISION SHALL PRECLUDE A FEDERALLY QUALIFIED HEALTH CENTER FROM PROVIDING OFF-SITE SERVICES IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided: that effective immediately the commissioner of health may make regulations and take other actions necessary to implement this act on that date; and any state regulations or guidance which may be issued for the implementation of this act shall be developed in consultation with representatives of outpatient clinics of general hospitals, diagnostic and treatment centers, home care services agencies, and statewide associations representing such providers.