

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

8188--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 11, 2015

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Health -- 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 authorizing certain office-based surgery practices to seek payment for the use of their facilities

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

1 Section 1. Section 230-d of the public health law is amended by adding
2 a new subdivision 6 to read as follows:
3 6. EVERY OFFICE-BASED SURGERY PRACTICE WITH FULL ACCREDITED STATUS,
4 WHICH WAS ESTABLISHED AND PROVIDING CARE PURSUANT TO THE PROVISIONS OF
5 THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION, SHALL BE
6 ELIGIBLE TO SEEK PAYMENT FROM A HEALTH PLAN FOR COSTS RELATED TO THE USE
7 OF THE SURGERY LOCATION OR SETTING OF SUCH PRACTICE. SUCH FEE SHALL BE
8 IN ADDITION TO THE FEE CHARGED BY THE LICENSEE FOR THE PERFORMANCE OF
9 THE COVERED OFFICE-BASED SURGERY INVOLVING AN INSURED OR A HEALTH PLAN
10 ENROLLEE; PROVIDED THAT THE HEALTH PLAN ALSO REIMBURSES FOR COSTS
11 RELATED TO THE USE OF A SURGERY LOCATION OR SETTING CHARGED IN
12 CONNECTION WITH THE SAME COVERED PROCEDURE PERFORMED AT A HOSPITAL OR
13 AMBULATORY SURGERY CENTER ORGANIZED PURSUANT TO ARTICLE TWENTY-EIGHT OF
14 THIS CHAPTER. WHEN CALCULATING THE APPROPRIATE RATE OF OFFICE-BASED
15 SURGERY RELATED REIMBURSEMENT, A HEALTH PLAN MAY ALSO TAKE INTO CONSID-
16 ERATION CERTAIN COMPARABLE AND NON-COMPARABLE COSTS AND OBLIGATIONS OF
17 AMBULATORY SURGERY CENTERS AND HOSPITALS AND ADJUST RATES ACCORDINGLY
18 AND IN A REASONABLE MANNER.
19 S 2. This act shall take effect immediately.

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

LBD11332-03-6