

8511

2015-2016 Regular Sessions

I N   A S S E M B L Y

October 9, 2015

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Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to reimbursement for donor human breast milk

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

1     Section 1. The public health law is amended by adding a new section  
2     2505-b to read as follows:  
3     S 2505-B. REIMBURSEMENT FOR BREAST MILK. 1. THE DEPARTMENT SHALL REIM-  
4     BURSE A MEDICAL CARE FACILITY FOR PRESCRIBED MEDICALLY NECESSARY DONOR  
5     HUMAN BREAST MILK PROVIDED TO A RECIPIENT OF MEDICAL ASSISTANCE IF:  
6     (A) SUCH RECIPIENT IS:  
7     (I) AN INFANT UNDER THE AGE OF THREE MONTHS;  
8     (II) CRITICALLY ILL; AND  
9     (III) IN THE NEONATAL INTENSIVE CARE UNIT OF THE HOSPITAL;  
10    (B) A PERSON LICENSED TO PRACTICE MEDICINE AND SURGERY ORDERS THE  
11    DONOR HUMAN BREAST MILK FOR THE RECIPIENT;  
12    (C) THE DEPARTMENT DETERMINES THAT THE DONOR HUMAN BREAST MILK IS  
13    MEDICALLY NECESSARY FOR THE RECIPIENT;  
14    (D) THE PARENT OR LEGAL GUARDIAN OF THE RECIPIENT SIGNS AND DATES AN  
15    INFORMED CONSENT FORM INDICATING THE RISKS AND BENEFITS OF USING BANKED  
16    DONOR HUMAN BREAST MILK; AND  
17    (E) THE DONOR HUMAN BREAST MILK IS OBTAINED FROM A DONOR HUMAN BREAST  
18    MILK BANK THAT MEETS THE QUALITY REQUIREMENTS ESTABLISHED BY THE DEPART-  
19    MENT.  
20    2. AN ELECTRONIC PRIOR AUTHORIZATION SYSTEM THAT USES THE BEST MEDICAL  
21    EVIDENCE AND CARE AND TREATMENT GUIDELINES CONSISTENT WITH NATIONAL  
22    STANDARDS SHALL BE USED BY THE DEPARTMENT TO DETERMINE MEDICAL NECESSI-  
23    TY.  
24    3. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO  
25    IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

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1       4. THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE PROVISIONS OF  
2 THIS SECTION IN A MANNER CONSISTENT WITH APPLICABLE FEDERAL LAWS AND  
3 REGULATIONS. THE DEPARTMENT SHALL SEEK ANY NECESSARY APPROVALS OF THE  
4 FEDERAL GOVERNMENT THAT ARE REQUIRED FOR THE IMPLEMENTATION OF THIS  
5 SECTION.  
6       S 2. This act shall take effect immediately.