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Cal. No. 1143

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sens. HANNON, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

- 1 Section 1. Section 2803 of the public health law is amended by adding  
2 a new subdivision 11 to read as follows:  
3 11. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE, OR ANY RULE OR  
4 REGULATION UNDER THIS ARTICLE TO THE CONTRARY, THE COMMISSIONER SHALL  
5 ALLOW OUTPATIENT CLINICS OF GENERAL HOSPITALS AND DIAGNOSTIC AND TREAT-  
6 MENT CENTERS TO PROVIDE OFF-SITE PRIMARY CARE SERVICES THAT ARE:  
7 (A) PRIMARY CARE SERVICES ORDINARILY PROVIDED TO THE PATIENT ON-SITE  
8 AT THE OUTPATIENT CLINIC OR DIAGNOSTIC AND TREATMENT CENTER AND ARE NOT  
9 HOME CARE SERVICES DEFINED IN SUBDIVISION ONE OF SECTION THIRTY-SIX  
10 HUNDRED TWO OF THIS CHAPTER OR THE PROFESSIONAL SERVICES ENUMERATED IN  
11 SUBDIVISION TWO OF SUCH SECTION;  
12 (B) PROVIDED BY A PRIMARY CARE PROFESSIONAL TO A PATIENT WITH A  
13 PRE-EXISTING CLINICAL RELATIONSHIP WITH THE OUTPATIENT CLINIC OR DIAGNO-  
14 SIS AND TREATMENT CENTER, OR WITH THE HEALTH CARE PROFESSIONAL PROVIDING  
15 THE SERVICE; AND  
16 (C) PROVIDED TO A PATIENT WHO IS UNABLE TO LEAVE HIS OR HER RESIDENCE  
17 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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1 CENTER WITHOUT UNREASONABLE DIFFICULTY DUE TO CIRCUMSTANCES, INCLUDING  
2 BUT NOT LIMITED TO, CLINICAL IMPAIRMENT.

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

6 S 2. This act shall take effect on the one hundred twentieth day after  
7 it shall have become a law, provided that any state regulations or guid-  
8 ance which may be issued for the implementation of this act shall be  
9 developed in consultation with representatives of outpatient clinics of  
10 general hospitals, diagnostic and treatment centers, home care services  
11 agencies, and statewide associations representing such providers.