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

5810--A

Cal. No. 782

2015-2016 Regular Sessions

I N S E N A T E

June 4, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- 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 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:

Section 1. Section 230-d of the public health law is amended by adding a new subdivision 6 to read as follows:

6. EVERY OFFICE-BASED SURGERY PRACTICE WITH FULL ACCREDITED STATUS, WHICH WAS ESTABLISHED AND PROVIDING CARE PURSUANT TO THE PROVISIONS OF THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION, SHALL BE ELIGIBLE TO SEEK PAYMENT FROM A HEALTH PLAN FOR COSTS RELATED TO THE USE OF THE SURGERY LOCATION OR SETTING OF SUCH PRACTICE. SUCH FEE SHALL BE IN ADDITION TO THE FEE CHARGED BY THE LICENSEE FOR THE PERFORMANCE OF THE COVERED OFFICE-BASED SURGERY INVOLVING AN INSURED OR A HEALTH PLAN ENROLLEE; PROVIDED THAT THE HEALTH PLAN ALSO REIMBURSES FOR COSTS RELATED TO THE USE OF A SURGERY LOCATION OR SETTING CHARGED IN CONNECTION WITH THE SAME COVERED PROCEDURE PERFORMED AT A HOSPITAL OR AMBULATORY SURGERY CENTER ORGANIZED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER. WHEN CALCULATING THE APPROPRIATE RATE OF OFFICE-BASED SURGERY RELATED REIMBURSEMENT, A HEALTH PLAN MAY ALSO TAKE INTO CONSIDERATION CERTAIN COMPARABLE AND NON-COMPARABLE COSTS AND OBLIGATIONS OF AMBULATORY SURGERY CENTERS AND HOSPITALS AND ADJUST RATES ACCORDINGLY AND IN A REASONABLE MANNER.

S 2. This act shall take effect immediately.

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

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