

8081

I N S E N A T E

June 10, 2016

Introduced by Sens. HANNON, LARKIN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

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 ASSEM-  
BLY, 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 PATIENTS ON-SITE AT  
8 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  
18 CENTER WITHOUT UNREASONABLE DIFFICULTY DUE TO CIRCUMSTANCES, INCLUDING  
19 BUT NOT LIMITED TO, CLINICAL IMPAIRMENT.  
20 NOTHING IN THIS SUBDIVISION SHALL PRECLUDE A FEDERALLY QUALIFIED  
21 HEALTH CENTER FROM PROVIDING OFF-SITE SERVICES IN ACCORDANCE WITH  
22 DEPARTMENT REGULATIONS.  
23 S 2. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law, provided: that effective immediately the  
25 commissioner of health may make regulations and take other actions  
26 necessary to implement this act on that date; and any state regulations  
27 or guidance which may be issued for the implementation of this act shall  
28 be developed in consultation with representatives of outpatient clinics  
29 of general hospitals, diagnostic and treatment centers, home care  
30 services agencies, and statewide associations representing such provid-  
31 ers.

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

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