

# STATE OF NEW YORK

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10221--A

## IN ASSEMBLY

March 26, 2018

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Introduced by M. of A. GOTTFRIED, D'URSO -- (at request of the Department of Health) -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 426 of the laws of 1983, amending the public health law relating to professional misconduct proceedings, in relation to the effectiveness of certain provisions thereof; to amend chapter 582 of the laws of 1984, amending the public health law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof; to amend the public health law, in relation to extending the demonstration period in certain physician committees; to amend chapter 57 of the laws of 2015, amending the social services law and other laws relating to energy audits and/or disaster preparedness reviews of residential healthcare facilities by the commissioner, in relation to the effectiveness of certain provisions thereof; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof; and to amend chapter 60 of the laws of 2014, amending the social services law relating to eliminating prescriber prevails for brand name drugs with generic equivalents, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5 of chapter 426 of the laws of 1983, amending the  
2 public health law relating to professional misconduct proceedings, as  
3 amended by section 22 of part B of chapter 56 of the laws of 2013, is  
4 amended to read as follows:

5 § 5. This act shall take effect June 1, 1983 and shall remain in full  
6 force and effect until [~~March 31, 2018~~] July 1, 2023.

7 § 2. Section 5 of chapter 582 of the laws of 1984, amending the public  
8 health law relating to regulating activities of physicians, as amended  
9 by section 23 of part B of chapter 56 of the laws of 2013, is amended to  
10 read as follows:

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

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§ 5. This act shall take effect immediately, provided however that the provisions of this act shall remain in full force and effect until ~~March 31, 2018~~ July 1, 2023 at which time the provisions of this act shall be deemed to be repealed.

§ 3. Subparagraph (ii) of paragraph (c) of subdivision 11 of section 230 of the public health law, as amended by section 5-c of part T of a chapter of the laws of 2018, amending the public health law relating to participation and membership in a demonstration period as proposed in legislative bill numbers S. 7507-C and A. 9507-C, is amended to read as follows:

(ii) Participation and membership during a three year demonstration period in a physician committee of the Medical Society of the State of New York or the New York State Osteopathic Society whose purpose is to confront and refer to treatment physicians who are thought to be suffering from alcoholism, drug abuse, or mental illness. Such demonstration period shall commence on April first, nineteen hundred eighty and terminate on May thirty-first, nineteen hundred eighty-three. An additional demonstration period shall commence on June first, nineteen hundred eighty-three and terminate on March thirty-first, nineteen hundred eighty-six. An additional demonstration period shall commence on April first, nineteen hundred eighty-six and terminate on March thirty-first, nineteen hundred eighty-nine. An additional demonstration period shall commence April first, nineteen hundred eighty-nine and terminate March thirty-first, nineteen hundred ninety-two. An additional demonstration period shall commence April first, nineteen hundred ninety-two and terminate March thirty-first, nineteen hundred ninety-five. An additional demonstration period shall commence on April first, nineteen hundred ninety-five and terminate on March thirty-first, nineteen hundred ninety-eight. An additional demonstration period shall commence on April first, nineteen hundred ninety-eight and terminate on March thirty-first, two thousand three. An additional demonstration period shall commence on April first, two thousand three and terminate on March thirty-first, two thousand thirteen. An additional demonstration period shall commence April first, two thousand thirteen and terminate on March thirty-first, two thousand eighteen. An additional demonstration period shall commence April first, two thousand eighteen and terminate on ~~March thirty-first~~ July first, two thousand twenty-three provided, however, that the commissioner may prescribe requirements for the continuation of such demonstration program, including periodic reviews of such programs and submission of any reports and data necessary to permit such reviews. During these additional periods, the provisions of this subparagraph shall also apply to a physician committee of a county medical society.

§ 4. Subdivision 5 of section 60 of part B of chapter 57 of the laws of 2015, amending the social services law and other laws relating to energy audits and/or disaster preparedness reviews of residential healthcare facilities by the commissioner, is amended to read as follows:

5. section thirty-eight of this act shall expire and be deemed repealed ~~March 31, 2018~~ July 1, 2021;

§ 5. Subdivision 12 of section 246 of chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, as amended by chapter 49 of the laws of 2017, is amended to read as follows:

12. Sections one hundred five-b through one hundred five-f of this act shall expire June 30, ~~2018~~ 2019.

1     § 6. Subdivision 4-a of section 71 of part C of chapter 60 of the laws  
2 of 2014, amending the social services law relating to eliminating pres-  
3 criber prevails for brand name drugs with generic equivalent, as amended  
4 by section 2 of part I of chapter 57 of the laws of 2017, is amended to  
5 read as follows:

6     4-a. section twenty-two of this act shall take effect April 1, 2014,  
7 and shall be deemed expired January 1, [~~2019~~] 2021;

8     § 7. This act shall take effect immediately; provided however, that  
9 sections one, two and four of this act shall be deemed to have been in  
10 full force and effect on and after March 31, 2018; and provided further,  
11 that section three of this act shall take effect on the same date and in  
12 the same manner as a chapter of the laws of 2018, amending the public  
13 health law relating to participation and membership in a demonstration  
14 period as proposed in legislative bill numbers S. 7507-C and A. 9507-C,  
15 takes effect.