

STATE OF NEW YORK

6219--A

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the public health law, in relation to payments for behavioral health services

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

1 Section 1. Subdivision 18 of section 364-j of the social services law
2 is amended by adding a new paragraph (e) to read as follows:

3 (e) Increased rates, terms or scope of payment for behavioral health
4 services under this title, where payment is made by a managed care
5 provider under this section, as a result of a rate, coverage or other
6 change made pursuant to a law, regulation, rule or official guidance,
7 shall be deemed in effect on the same date that such change would have
8 taken effect if payment were made other than by the managed care provid-
9 er. Where payment is not made as of the effective date, the managed care
10 provider shall make retroactive payments to the appropriate service
11 providers.

12 § 2. Section 2511 of the public health law is amended by adding a new
13 subdivision 22 to read as follows:

14 22. Increased rates, terms or scope of payment for behavioral health
15 services under this title, where payment is made by an approved organ-
16 ization, as a result of a rate, coverage or other change made pursuant
17 to a law, regulation, rule or official guidance shall be deemed in
18 effect on the same date that such change would have taken effect if
19 payment were made other than by the approved organization. Where payment
20 is not made as of the effective date, the approved organization shall
21 make retroactive payments to the appropriate service providers.

22 § 3. Subdivision 7 of section 4403-f of the public health law is
23 amended by adding a new paragraph (i) to read as follows:

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

LBD11698-02-7

1 (i) Increased rates, terms or scope of payment for behavioral health
2 services under this section, where payment is made by an entity under
3 this section, as a result of a rate, coverage or other change made
4 pursuant to a law, regulation, rule or official guidance, shall be
5 deemed in effect on the same date that such change would have taken
6 effect if payment were made other than by the entity. Where payment is
7 not made as of the effective date, the entity shall make retroactive
8 payments to the appropriate service providers.

9 § 4. This act shall take effect immediately; provided, however, that
10 the amendments to section 364-j of the social services law and section
11 4403-f of the public health law made by sections one and three of this
12 act, respectively, shall not affect the repeal of such sections and
13 shall be deemed repealed therewith.