

STATE OF NEW YORK

8093--A

Cal. No. 983

IN SENATE

March 28, 2018

Introduced by Sen. HANNON -- (at request of the Department of Health) -- 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

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

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

LBD14386-02-8

1 by section 23 of part B of chapter 56 of the laws of 2013, is amended to
2 read as follows:

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6 shall be deemed to be repealed.

7 § 3. Subparagraph (ii) of paragraph (c) of subdivision 11 of section
8 230 of the public health law, as amended by section 5-c of part T of a
9 chapter of the laws of 2018, amending the public health law relating to
10 participation and membership in a demonstration period as proposed in
11 legislative bill numbers S. 7507-C and A. 9507-C, is amended to read as
12 follows:

13 (ii) Participation and membership during a three year demonstration
14 period in a physician committee of the Medical Society of the State of
15 New York or the New York State Osteopathic Society whose purpose is to
16 confront and refer to treatment physicians who are thought to be suffer-
17 ing from alcoholism, drug abuse, or mental illness. Such demonstration
18 period shall commence on April first, nineteen hundred eighty and termi-
19 nate on May thirty-first, nineteen hundred eighty-three. An additional
20 demonstration period shall commence on June first, nineteen hundred
21 eighty-three and terminate on March thirty-first, nineteen hundred
22 eighty-six. An additional demonstration period shall commence on April
23 first, nineteen hundred eighty-six and terminate on March thirty-first,
24 nineteen hundred eighty-nine. An additional demonstration period shall
25 commence April first, nineteen hundred eighty-nine and terminate March
26 thirty-first, nineteen hundred ninety-two. An additional demonstration
27 period shall commence April first, nineteen hundred ninety-two and
28 terminate March thirty-first, nineteen hundred ninety-five. An addi-
29 tional demonstration period shall commence on April first, nineteen
30 hundred ninety-five and terminate on March thirty-first, nineteen
31 hundred ninety-eight. An additional demonstration period shall commence
32 on April first, nineteen hundred ninety-eight and terminate on March
33 thirty-first, two thousand three. An additional demonstration period
34 shall commence on April first, two thousand three and terminate on March
35 thirty-first, two thousand thirteen. An additional demonstration period
36 shall commence April first, two thousand thirteen and terminate on March
37 thirty-first, two thousand eighteen. An additional demonstration period
38 shall commence April first, two thousand eighteen and terminate on
39 ~~[March thirty-first]~~ July first, two thousand twenty-three provided,
40 however, that the commissioner may prescribe requirements for the
41 continuation of such demonstration program, including periodic reviews
42 of such programs and submission of any reports and data necessary to
43 permit such reviews. During these additional periods, the provisions of
44 this subparagraph shall also apply to a physician committee of a county
45 medical society.

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

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

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

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

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

8 4-a. section twenty-two of this act shall take effect April 1, 2014,
9 and shall be deemed expired January 1, [~~2019~~] 2021;

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