

# STATE OF NEW YORK

564

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. ABINANTI, SKOUFIS, MOSLEY, CURRAN, RAIA --  
Multi-Sponsored by -- M. of A. McDONOUGH, RA -- read once and referred  
to the Committee on Health

AN ACT to amend the public health law, in relation to payment of claims  
submitted by healthcare agencies

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

1 Section 1. Section 3621 of the public health law, as added by section  
2 57-a of part A of chapter 56 of the laws of 2013, is amended to read as  
3 follows:

4 § 3621. Payment of claims. 1. Notwithstanding any law to the contrary,  
5 the provisions of section thirty-two hundred twenty-four-a of the insur-  
6 ance law, and regulations thereunder, shall apply to claims for payment  
7 submitted by a licensed home care services agency, certified home health  
8 agency, long term home health care program, or fiscal intermediary oper-  
9 ating under section three hundred sixty-five-f of the social services  
10 law, pursuant to a contract with a payor under section forty-four  
11 hundred three-f of this chapter or section three hundred sixty-four-j of  
12 the social services law, and such claims shall be subject to and settled  
13 in compliance with the standards set forth in such section.

14 2. For the purposes of this section, a "clean claim" shall:

15 (a) identify the licensed home care services program, certified home  
16 health agency, long term home health care program or fiscal intermediary  
17 operating pursuant to section three hundred sixty-five-f of the social  
18 services law;

19 (b) sufficiently identify the eligible covered person;

20 (c) list the date and place of service;

21 (d) substantiate the appropriateness of the service provided;

22 (e) state if prior authorization is required for such eligible covered  
23 person and service; and

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

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1 (f) state any documentation as reasonably required by any entity  
2 referenced in this section.

3 3. Each clean claim or payment for services processed in violation of  
4 this section shall constitute a separate violation. In addition to the  
5 penalties provided in this chapter, any organization or corporation that  
6 fails to adhere to the standards contained in this section shall be  
7 obligated to pay to certified home health agencies, long term home  
8 health care programs, licensed home health care programs or fiscal  
9 intermediaries operating pursuant to section three hundred sixty-five-f  
10 of the social services law in full settlement of the bill, claim or  
11 payment plus interest on the amount of such bill, claim or payment of  
12 the greater of the rate equal to the rate set by the commissioner of  
13 taxation and finance for corporate taxes pursuant to paragraph one of  
14 subsection (e) of section one thousand ninety-six of the tax law or  
15 twelve percent per annum, to be computed from the date the bill, claim  
16 or payment was required to be made.

17 § 2. This act shall take effect immediately.