

STATE OF NEW YORK

5479

2017-2018 Regular Sessions

IN SENATE

March 30, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to Medicaid reimbursement rates for rural home health care providers

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

1 Section 1. Subdivision 1 of section 368-a of the social services law
2 is amended by adding a new paragraph (g-1) to read as follows:

3 (g-1) Notwithstanding paragraph (g) of this subdivision, section three
4 hundred sixty-four-j of this title or any other provision of law,
5 reimbursement for home health services provided in accordance with para-
6 graph (d) of subdivision two of section three hundred sixty-five-a of
7 this title by an individual or shared aide provided by an approved home
8 health agency when such services are determined to be cost effective and
9 appropriate to meet the recipient's needs for assistance, where such
10 services are delivered in a rural area of the state, to be designated by
11 the commissioner in regulation, shall be increased to include an amount
12 necessary to cover the disparate transportation costs associated with
13 providing such services in rural areas. For the purposes of this para-
14 graph, "rural area" shall mean a rural area as defined in section two
15 thousand nine hundred fifty-one of the public health law. The commis-
16 sioner shall develop methodologies for calculating such delivery costs,
17 taking into account the costs associated with direct personal care
18 including, but not limited to, the nursing home transition and diversion
19 (NHTD) housing subsidy program and the traumatic brain injury (TBI)
20 waiver. Such reimbursement increase shall include all home health
21 services provided for eligible recipients under this article, including
22 those available or obtained through federal waivers.

23 § 2. Subdivision 1 of section 365-1 of the social services law, as
24 added by section 37 of part H of chapter 59 of the laws of 2011, is
25 amended to read as follows:

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

LBD10011-02-7

1 1. Notwithstanding any law, rule or regulation to the contrary, the
2 commissioner of health is authorized, in consultation with the commis-
3 sioners of the office of mental health, office of alcoholism and
4 substance abuse services, and office for people with developmental disa-
5 bilities, to (a) establish, in accordance with applicable federal law
6 and regulations, standards for the provision of health home services to
7 Medicaid enrollees with chronic conditions, (b) establish payment meth-
8 odologies for health home services based on factors including but not
9 limited to the complexity of the conditions providers will be managing,
10 the anticipated amount of patient contact needed to manage such condi-
11 tions, transportation costs, and the health care cost savings realized
12 by provision of health home services, (c) establish the criteria under
13 which a Medicaid enrollee will be designated as being an eligible indi-
14 vidual with chronic conditions for purposes of this program, (d) assign
15 any Medicaid enrollee designated as an eligible individual with chronic
16 conditions to a provider of health home services.

17 § 3. This act shall take effect immediately.