

# STATE OF NEW YORK

5638

2017-2018 Regular Sessions

## IN SENATE

April 24, 2017

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to commission a study regarding the quality of health care services received by foster children in New York state

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

1 Section 1. 1. The commissioner of the office of children and family  
2 services shall contract with an external research organization to evalu-  
3 ate the implementation and effectiveness of New York state's health care  
4 delivery system for children in the care, custody or guardianship of the  
5 office of children and family services or local social services  
6 districts pursuant to articles 3, 7 and 10 of the family court act or  
7 section 358-a, 384-a or 384-b of the social services law. The evalu-  
8 ation shall include recommendations for improving the access to, and the  
9 quality of, health and behavioral health services for children in the  
10 care, custody or guardianship of the office of children and family  
11 services or the local social services district. Such commissioner shall  
12 select such research organization pursuant to a request for proposals  
13 process. Preference shall be given to an organization based on adequacy  
14 of the proposed research design, research staff qualifications, and  
15 availability of non-state dollars to support the project, and other  
16 criteria as determined by the commissioner of the office of children and  
17 family services. The evaluation shall include, but not be limited to, an  
18 examination of:

19 (a) the quality of health and behavioral health services provided to  
20 children in the care, custody or guardianship of the office of children  
21 and family services or the local social services district, including,  
22 but not limited to, whether children are receiving effective or neces-  
23 sary treatment in a timely fashion and in accordance with the regu-  
24 lations of the office of children and family services;

25 (b) the average length of time from referrals for children in the  
26 care, custody or guardianship of the office of children and family  
27 services or the local social services district, to receive treatment to  
28 the date of initial treatment;

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

LBD02643-01-7

1 (c) whether sufficient information is provided to educate foster  
2 parents on the health care delivery system for foster children, includ-  
3 ing identification of providers and appropriate billing arrangements;

4 (d) the existence and adequacy of current oversight practice regarding  
5 health care services for children in the care, custody or guardianship  
6 of the office of children and family services or the local social  
7 services district, including monitoring or record keeping practices of  
8 voluntary agencies, social services districts, family courts, the office  
9 of children and family services and the department of health;

10 (e) whether foster children who receive health care coverage under the  
11 medicaid per-diem system receive adequate health and behavioral health  
12 services;

13 (f) whether foster children who receive health care coverage under the  
14 medicaid fee-for service system receive adequate health and behavioral  
15 health services;

16 (g) to what extent the medicaid per-diem is used in conjunction with  
17 direct billing under fee-for service and whether this practice provides  
18 foster children with adequate health and behavioral health services;

19 (h) whether foster children who receive health care services through  
20 enrollment in a medicaid managed care plan receive adequate health and  
21 behavioral health services;

22 (i) whether any difficulties exist in accessing prescription drugs for  
23 foster children;

24 (j) whether foster children or foster parents are being billed for  
25 health care services provided to foster children which should be covered  
26 under medicaid;

27 (k) the number of voluntary agencies throughout the state that provide  
28 health care services to foster children in their care through health  
29 care professionals employed by their agency;

30 (l) the quality of health care provided by health care professionals  
31 hired by voluntary agencies and the benefits and drawbacks of having  
32 health care services provided by voluntary agencies;

33 (m) whether children leaving foster care or placement in juvenile  
34 justice facilities, who would be otherwise eligible for medicaid cover-  
35 age upon leaving placement, experience difficulty in accessing transi-  
36 tional medicaid coverage or medicaid coverage in the community; and

37 (n) what barriers exist for children in the care, custody or guardian-  
38 ship of the office of children and family services or the local social  
39 services district, to access health care services in the community.

40 2. Notwithstanding any other law to the contrary, the selected organ-  
41 ization shall have access to necessary non-identifiable data collected  
42 by the office of children and family services, the department of health,  
43 local social services districts and voluntary agencies, and shall  
44 collect supplemental data as needed to conduct a thorough and comprehen-  
45 sive evaluation. Data collected shall not reveal the name, social secu-  
46 rity number or any other information which may be used to identify the  
47 child or the family of the child.

48 3. The commissioner of the office of children and family services  
49 shall submit a report detailing the findings of such study to the gover-  
50 nor, the temporary president of the senate, the speaker of the assembly,  
51 and the chairperson of the senate committee on social services, children  
52 and families, the chairperson of the assembly committee on children and  
53 families and the chairpersons of the senate and assembly committees on  
54 health on or before June 30, 2018.

55 § 2. This act shall take effect immediately.