

STATE OF NEW YORK

10184

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to including accountable care organizations within the definition of a managed care provider

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

1 Section 1. Paragraph (b) of subdivision 1 of section 364-j of the
2 social services law, as amended by chapter 649 of the laws of 1996,
3 subparagraph (i) as amended by section 35-a, subparagraph (ii) as
4 amended and subparagraph (iii) as added by section 77 of part A of chap-
5 ter 56 of the laws of 2013, is amended to read as follows:

6 (b) "Managed care provider". An entity that provides or arranges for
7 the provision of medical assistance services and supplies to partic-
8 ipants directly or indirectly (including by referral), including case
9 management; and:

10 (i) is authorized to operate under article forty-four of the public
11 health law or article forty-three of the insurance law and provides or
12 arranges, directly or indirectly (including by referral) for covered
13 comprehensive health services on a full capitation basis, including a
14 special needs managed care plan or comprehensive HIV special needs plan;
15 or

16 (ii) is authorized as a partially capitated program pursuant to
17 section three hundred sixty-four-f of this title or section forty-four
18 hundred three-e of the public health law or section 1915b of the social
19 security act; or

20 (iii) is authorized to operate under section forty-four hundred
21 three-g of the public health law[-]; or

22 (iv) is an accountable care organization under article twenty-nine-E
23 of the public health law.

24 § 2. Paragraph (b) of subdivision 1 of section 364-j of the social
25 services law, as amended by chapter 649 of the laws of 1996, subpara-
26 graph (i) as amended by section 35-a of part A of chapter 56 of the laws

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

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1 of 2013, subparagraph (ii) as amended by chapter 433 of the laws of
2 1997, is amended to read as follows:

3 (b) "Managed care provider". An entity that provides or arranges for
4 the provision of medical assistance services and supplies to partic-
5 ipants directly or indirectly (including by referral), including case
6 management; and:

7 (i) is authorized to operate under article forty-four of the public
8 health law or article forty-three of the insurance law and provides or
9 arranges, directly or indirectly (including by referral) for covered
10 comprehensive health services on a full capitation basis, including a
11 special needs managed care plan or comprehensive HIV special needs plan;
12 or

13 (ii) is authorized as a partially capitated program pursuant to
14 section three hundred sixty-four-f of this title or section forty-four
15 hundred three-e of the public health law or section 1915b of the social
16 security act[-]; or

17 (iii) is an accountable care organization under article twenty-nine-E
18 of the public health law.

19 § 3. This act shall take effect one hundred eighty days after it shall
20 have become a law; provided, that the amendments to subparagraphs (ii)
21 and (iii) of paragraph (b) of section 364-j of the social services law
22 made by section one of this act shall be subject to the expiration and
23 reversion and repeal of such subparagraphs when upon such date the
24 provisions of section two of this act shall take effect; and provided
25 further that the amendments to section 364-j of the social services law
26 made by this act shall be subject to the expiration and repeal of such
27 section and shall expire and be deemed repealed therewith. Effective
28 immediately, the commissioner of health shall make regulations and take
29 other actions reasonably necessary to implement this act on that date.