STATE OF NEW YORK

3960

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

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

AN ACT to amend the social services law and the public health law, in relation to payments for behavioral health services

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

Section 1. Subdivision 18 of section 364-j of the social services law is amended by adding a new paragraph (e) to read as follows:

(e) Increased rates, terms or scope of payment for behavioral health services under this title, where payment is made by a managed care provider under this section, as a result of a rate, coverage or other change made pursuant to a law, regulation, rule or official guidance, shall be deemed in effect on the same date that such change would have taken effect if payment were made other than by the managed care provider. Where payment is not made as of the effective date, the managed care provider shall make retroactive payments to the appropriate service providers.

§ 2. Subdivision 7 of section 4403-f of the public health law is amended by adding a new paragraph (k) to read as follows:

(k) Increased rates, terms or scope of payment for behavioral health services under this section, where payment is made by an entity under this section, as a result of a rate, coverage or other change made pursuant to a law, regulation, rule or official guidance, shall be deemed in effect on the same date that such change would have taken effect if payment were made other than by the entity. Where payment is not made as of the effective date, the entity shall make retroactive payments to the appropriate service providers.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 364-j of the social services law and section 4403-f of the public health law made by sections one and two of this act, respectively, shall not affect the repeal of such sections and shall be deemed repealed therewith.

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

LBD02696-01-9