

# STATE OF NEW YORK

5989

2021-2022 Regular Sessions

## IN ASSEMBLY

March 4, 2021

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

AN ACT to amend the public health law, in relation to equitable and consistent access to outpatient care services

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

1 Section 1. Paragraphs (iii) and (iv) of subdivision 2 of section  
2 2803-1 of the public health law, as amended by chapter 639 of the laws  
3 of 1996, are amended and a new paragraph (v) is added to read as  
4 follows:

5 (iii) demonstrate the hospital's operational and financial commitment  
6 to meeting community health care needs, to provide charity care services  
7 and to improve access to health care services by the underserved; ~~and~~

8 (iv) prepare and make available to the public a statement showing on a  
9 combined basis a summary of the financial resources of the hospital and  
10 related corporations and the allocation of available resources to hospi-  
11 tal purposes including the provision of free or reduced charge  
12 services~~[-]; and~~

13 (v) demonstrate the hospital's commitment to ensuring quality care and  
14 continuity of care within all treatment settings for all patient popu-  
15 lations, including persons covered by Medicaid and the uninsured, in  
16 accordance with the provisions of section twenty-eight hundred six-c of  
17 this article.

18 § 2. The public health law is amended by adding a new section 2806-c  
19 to read as follows:

20 § 2806-c. Access to outpatient services. Every general hospital shall  
21 establish policies that assure equitable and consistent access to outpa-  
22 tient care services that may be provided or arranged by such hospital  
23 through hospital-affiliated outpatient departments, clinics, faculty  
24 practice plans or private physician practices, regardless of a patient's  
25 source of coverage or payment. Such policies shall be incorporated with-

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

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1 in the general hospital's community services plan, in accordance with  
2 the provisions of section twenty-eight hundred three-1 of this article.  
3 To assist general hospitals in satisfying these obligations and develop-  
4 ing such policies, the department shall examine barriers that may exist  
5 to assuring equitable access to health care services. In conducting such  
6 examination, the department shall consider any state or federal regula-  
7 tory or reimbursement policies that discourage equitable access, regard-  
8 less of the patient's source of coverage or payment. The department  
9 shall also examine the extent to which insurance and managed care bene-  
10 fit designs may discourage or preclude access to appropriate services by  
11 patients, regardless of the patient's source of coverage or payment. The  
12 commissioner shall, on or before December thirty-first, two thousand  
13 twenty-two, issue a report on such examination including recommendations  
14 for any necessary legislative or regulatory changes to enhance access to  
15 services, and detailing any federal statutory or regulatory barriers.

16 § 3. This act shall take effect immediately, except that section one  
17 of this act shall take effect on October 1, 2022 and the provisions of  
18 such section shall apply to community service plans due and submitted on  
19 or after such date.