STATE OF NEW YORK

9544

IN ASSEMBLY

March 16, 2022

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

AN ACT to amend the social services law and the workers' compensation law, in relation to payment for contingency management programs

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

Section 1. The social services law is amended by adding a new section 367-w to read as follows:

§ 367-w. Payment for contingency management programs. 1. For the purpose of this section, "contingency management program" means a substance use disorder treatment service that provides an incentive structure, including scaling rewards for continued evidence of specified behaviors or adherence to treatment goals, that rewards participants for specified behaviors, provided the receipt of any incentive or reward pursuant to such a program shall not be considered income for purposes of eligibility for public benefits or other public assistance to the extent allowed by law.

2. The commissioner may authorize the payment of medical assistance funds for contingency management programs. The commissioner shall, in consultation with the AIDS Institute and the office of addiction services and supports:

a. Issue guidance on the use of contingency management programs for beneficiaries who access substance use disorder services under the medical assistance program;

b. Establish limits on the number and value of incentives available to beneficiaries who receive services pursuant to a contingency management program; and

c. Determine maximum allowable rates for contingency management programs based upon the medical assistance program fee-for-service outpatient rates for the same or similar services, or any other data deemed reliable and relevant by the commissioner.

3. Subdivision two of this section shall be effective if, and as long as, federal financial participation is available for medical assistance expenditures made pursuant to it.

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

LBD13441-03-1

4. For the purposes of implementing this section, the commissioner shall seek any necessary federal approvals, including approvals of any state plan amendment or federal waivers, by the federal centers for medicare and Medicaid services no later than December thirty-first, two thousand twenty-two.

§ 2. Subdivision 2 of section 366-d of the social services law is amended by adding a new paragraph (e) to read as follows:

(e) this subdivision shall not apply to contingency management programs operated pursuant to section three hundred sixty-seven-w of this title.

§ 3. Paragraph (g) of subdivision 2 of section 13-d of the workers' compensation law, as amended by section 2 of part CC of chapter 55 of the laws of 2019, is amended to read as follows:

(g) has directly or indirectly requested, received or participated in the division, transference, assignment, rebating, splitting or refunding of a fee for, or has directly or indirectly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of medical or surgical care, an independent medical examination, diagnosis or treatment or service, including X-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, X-ray laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment, under this chapter; except that reasonable payment, not exceeding the technical component fee permitted in the medical fee schedule, established under this chapter for X-ray examinations, diagnosis or treatment, may be made by a provider duly authorized as a roentgenologist to any hospital furnishing facilities and equipment for such examination, diagnosis or treatment, provided such hospital does not also submit a charge for the same services. Nothing contained in this paragraph shall prohibit such providers who practice as partners, in groups or as a professional corporation or as a university faculty practice corporation from pooling fees and moneys received, either by the partnership, professional corporation, university faculty practice corporation or group by the individual members thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporations, or groups be prohibited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement. **This paragraph shall not apply to contingency management programs operated pursuant to section three hundred sixty-seven-w of the social services law.**

§ 4. This act shall take effect immediately.