

# STATE OF NEW YORK

721

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to reimbursement for donor human breast milk

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

1 Section 1. The public health law is amended by adding a new section  
2 2505-b to read as follows:

3 § 2505-b. Reimbursement for breast milk. 1. The department shall reim-  
4 burse a medical care facility for prescribed medically necessary donor  
5 human breast milk provided to a recipient of medical assistance if:

6 (a) such recipient is:

7 (i) an infant under the age of three months;

8 (ii) critically ill; and

9 (iii) in the neonatal intensive care unit of the hospital;

10 (b) a person licensed to practice medicine and surgery orders the  
11 donor human breast milk for the recipient;

12 (c) the department determines that the donor human breast milk is  
13 medically necessary for the recipient;

14 (d) the parent or legal guardian of the recipient signs and dates an  
15 informed consent form indicating the risks and benefits of using banked  
16 donor human breast milk; and

17 (e) the donor human breast milk is obtained from a donor human breast  
18 milk bank that meets the quality requirements established by the depart-  
19 ment.

20 2. An electronic prior authorization system that uses the best medical  
21 evidence and care and treatment guidelines consistent with national  
22 standards shall be used by the department to determine medical necessi-  
23 ty.

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

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1     3. The department shall promulgate rules and regulations necessary to  
2     implement the provisions of this section.

3     4. The department shall implement and administer the provisions of  
4     this section in a manner consistent with applicable federal laws and  
5     regulations. The department shall seek any necessary approvals of the  
6     federal government that are required for the implementation of this  
7     section.

8     § 2. This act shall take effect immediately.