

# STATE OF NEW YORK

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8639

## IN SENATE

March 23, 2022

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

AN ACT to amend the social services law, in relation to reimbursement for early and periodic screening, diagnosis and treatment

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

1 Section 1. Subdivisions 1 and 3 of section 368-d of the social  
2 services law, as amended by section 54 of part B of chapter 58 of the  
3 laws of 2009, are amended to read as follows:

4 1. The department of health shall review claims for expenditures made  
5 by or on behalf of local public school districts, and state  
6 operated/state supported schools which operate pursuant to article  
7 eighty-five, eighty-seven or eighty-eight of the education law, for  
8 medical care, services and supplies which are furnished to children with  
9 handicapping conditions or such children suspected of having handicap-  
10 ping conditions, as such children are defined in the education law. The  
11 department of health shall also review claims for expenditures for early  
12 and periodic screening, diagnosis and treatment and other health  
13 services, care and supplies which are furnished to eligible children  
14 regardless of whether the children have handicapping conditions, are  
15 suspected of having handicapping conditions or have an individualized  
16 education plan. If approved by the department, payment for such medical  
17 care, services and supplies which would otherwise qualify for reimburse-  
18 ment under this title and which are furnished in accordance with this  
19 title and the regulations of the department to such children, shall be  
20 made in accordance with the department's approved medical assistance fee  
21 schedules by payment to such local public school district, and state  
22 operated/state supported schools which operate pursuant to article  
23 eighty-five, eighty-seven or eighty-eight of the education law, which  
24 furnished the care, services or supplies either directly or by contract.

25 3. The department of health shall apply for all necessary federal  
26 approvals to implement the provisions of this section. The provisions of  
27 this section shall be of no force and effect unless all necessary  
28 approvals under federal law and regulation have been obtained to receive

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

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1 federal financial participation in the costs of health care services  
2 provided pursuant to this section.

3 § 2. Subdivision 1 and the closing paragraph of section 368-e of the  
4 social services law, as amended by section 55 of part B of chapter 58 of  
5 the laws of 2009, are amended to read as follows:

6 1. The department of health shall review claims for expenditures made  
7 by counties and the city of New York for medical care, services and  
8 supplies which are furnished to preschool children with handicapping  
9 conditions or such preschool children suspected of having handicapping  
10 conditions, as such children are defined in the education law. The  
11 department of health shall also review claims for expenditures for early  
12 and periodic screening, diagnosis and treatment and other health  
13 services, care and supplies which are furnished to eligible pre-school  
14 children regardless of whether the pre-school children have handicapping  
15 conditions, are suspected of having handicapping conditions or have an  
16 individualized education plan. If approved by the department, payment  
17 for such medical care, services and supplies which would otherwise qual-  
18 ify for reimbursement under this title and which are furnished in  
19 accordance with this title and the regulations of the department to such  
20 children, shall be made in accordance with the department's approved  
21 medical assistance fee schedules by payment to such county or city which  
22 furnished the care, services or supplies either directly or by contract.  
23 Notwithstanding any provisions of law, rule or regulation to the contra-  
24 ry, any clinic or diagnostic and treatment center licensed under article  
25 twenty-eight of the public health law, which as determined by the state  
26 education department, in conjunction with the department of health, has  
27 a less than arms length relationship with the provider approved under  
28 section forty-four hundred ten of the education law shall, subject to  
29 the approval of the department and based on standards developed by the  
30 department, be authorized to directly submit such claims for medical  
31 assistance, services or supplies so furnished for any period beginning  
32 on or after July first, nineteen hundred ninety-seven. The actual full  
33 cost of the individualized education program (IEP) related services  
34 incurred by the clinic shall be reported on the New York State Consol-  
35 idated Fiscal Report in the education law section forty-four hundred ten  
36 program cost center in which the student is placed and the associated  
37 medical assistance revenue shall be reported in the same manner.

38 6. The department of health shall apply for all necessary federal  
39 approvals to implement the provisions of this section. The provisions of  
40 this section shall be of no force and effect unless all necessary  
41 approvals under federal law and regulation have been obtained to receive  
42 federal financial participation in the costs of health care services  
43 provided pursuant to this section.

44 § 3. This act shall take effect immediately.