STATE OF NEW YORK

7235

2021-2022 Regular Sessions

IN ASSEMBLY

April 29, 2021

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to prohibiting the promulgation of certain rules and regulations to ensure quality access to and a competitive market for durable medical equipment within the workers' compensation system

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

Section 1. Section 117 of the workers' compensation law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding any other provision of law, the board and the chairman are prohibited from promulgating any rule or regulation, or enforcing any such rule or regulation requiring a durable medical equipment provider to be certified as a New York State Medicaid enrolled supplier; and, prior to any action requiring accreditation of durable medical equipment providers, shall conduct a study on the impacts on the costs and market share that an accreditation would have on providers of durable medical equipment. In conducting such study, the board and chairman shall seek and consider input from stakeholders, including providers of durable medical equipment. The board and the chairman are further prohibited from promulgating any rule or regulation, or enforcing any such rule or regulation, that would reimburse durable medical equipment at less than one hundred percent of the New York State Medicaid durable medical equipment fee schedule.

(b) Any provision of the board or of the chairman's regulations in effect on the effective date of this provision which may be contrary to this provision shall be deemed null and void. Particularly, any provision of the board or chairman's regulation 12 NYCRR Part 442 contrary to this subdivision shall be null and void and the board or chairman shall amend the regulation accordingly, by the consensus regulatory process.

§ 2. This act shall take effect immediately.

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

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