

# STATE OF NEW YORK

802

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, COOK, DICKENS, PHEFFER AMATO, MONTESANO,  
WALCZYK -- Multi-Sponsored by -- M. of A. SIMON -- read once and  
referred to the Committee on Health

AN ACT to amend the social services law, in relation to Medicaid  
reimbursement rates for rural home health care providers

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

1 Section 1. Subdivision 1 of section 368-a of the social services law  
2 is amended by adding a new paragraph (g-1) to read as follows:

3 (g-1) Notwithstanding paragraph (g) of this subdivision, section three  
4 hundred sixty-four-j of this title or any other provision of law,  
5 reimbursement for home health services provided in accordance with para-  
6 graph (d) of subdivision two of section three hundred sixty-five-a of  
7 this title by an individual or shared aide provided by an approved home  
8 health agency when such services are determined to be cost effective and  
9 appropriate to meet the recipient's needs for assistance, where such  
10 services are delivered in a rural area of the state, to be designated by  
11 the commissioner in regulation, shall be increased to include an amount  
12 necessary to cover the disparate transportation costs associated with  
13 providing such services in rural areas. The commissioner shall develop  
14 methodologies for calculating such delivery costs which are separate  
15 from direct personal care. Such reimbursement increase shall include all  
16 home health services provided for eligible recipients under this arti-  
17 cle, including those available or obtained through federal waivers.

18 § 2. Subdivision 1 of section 365-1 of the social services law, as  
19 added by section 37 of part H of chapter 59 of the laws of 2011, is  
20 amended to read as follows:

21 1. Notwithstanding any law, rule or regulation to the contrary, the  
22 commissioner of health is authorized, in consultation with the commis-  
23 sioners of the office of mental health, office of alcoholism and

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

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1 substance abuse services, and office for people with developmental disa-  
2 bilities, to (a) establish, in accordance with applicable federal law  
3 and regulations, standards for the provision of health home services to  
4 Medicaid enrollees with chronic conditions, (b) establish payment meth-  
5 odologies for health home services based on factors including but not  
6 limited to the complexity of the conditions providers will be managing,  
7 the anticipated amount of patient contact needed to manage such condi-  
8 tions, transportation costs, and the health care cost savings realized  
9 by provision of health home services, (c) establish the criteria under  
10 which a Medicaid enrollee will be designated as being an eligible indi-  
11 vidual with chronic conditions for purposes of this program, (d) assign  
12 any Medicaid enrollee designated as an eligible individual with chronic  
13 conditions to a provider of health home services.  
14 § 3. This act shall take effect immediately.