

# STATE OF NEW YORK

9298

## IN ASSEMBLY

February 23, 2022

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

AN ACT to authorize and direct the commissioner of health to establish a portable diagnostics program

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

1     Section 1. Notwithstanding any inconsistent provision of law, rule or  
2     regulation to the contrary, (a) the commissioner of health is authorized  
3     and directed to establish a portable diagnostics program that demon-  
4     strates the cost-effectiveness of medical assistance coverage of port-  
5     able diagnostic services, including X-rays, electrocardiograms, echocar-  
6     diograms and ultrasounds, provided to medical assistance recipients  
7     enrolled in both fee-for-service Medicaid and Medicaid managed care.  
8     Such services shall include those allowable and or provided by portable  
9     diagnostic providers as authorized by title 42 of the code of federal  
10    regulations. Portable X-ray providers participating in the program shall  
11    be certified to participate under Title XVII of the Federal Social Secu-  
12    rity Act. Medical services shall be limited to those allowable under  
13    Title XVII of the Federal Social Security Act. Services shall be  
14    provided, as medically necessary, in setting locations as authorized by  
15    Title XVII of the Federal Social Security Act.

16    (b) The commissioner of health is authorized to reimburse portable  
17    diagnostics at the medicare fee schedule by current procedural terminol-  
18    ogy codes, transportation codes, and set-up codes. Such rates of  
19    reimbursement shall apply to Medicaid recipients enrolled in fee-for-  
20    service Medicaid, Medicaid managed care, and Medicaid managed long-term  
21    care.

22    (c) The department of health is hereby directed to analyze relevant  
23    data and report to the legislature by December 31, 2024. Such report  
24    shall include a cost comparison of portable diagnostics, including  
25    X-rays, electrocardiograms, echocardiograms and ultrasounds, provided in  
26    an authorized portable diagnostic setting compared to the same procedure  
27    in a hospital, urgent care and emergency room setting.

28    § 2. This act shall take effect immediately.

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

LBD14316-02-2