STATE OF NEW YORK

9298--A

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. McDONALD, GUNTHER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, (a) the commissioner of health is authorized and directed to establish a portable diagnostics program that demonstrates the cost-effectiveness of medical assistance coverage of portable diagnostic services, including X-rays, electrocardiograms, echocardiograms and ultrasounds, provided to medical assistance recipients enrolled in both fee-for-service Medicaid and Medicaid managed care. Such services shall include those allowable and or provided by portable diagnostic providers as authorized by title 42 of the code of federal regulations. Portable X-ray providers participating in the program shall be certified to participate under Title XVIII of the Federal Social Security Act. Medical services shall be limited to those allowable under Title XVIII of the Federal Social Security Act. Services shall be provided, as medically necessary, in setting locations as authorized by Title XVIII of the Federal Social Security Act.

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

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

§ 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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