STATE OF NEW YORK

7511

2021-2022 Regular Sessions

IN SENATE

November 5, 2021

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

AN ACT to amend the public health law, in relation to establishing the New York state health care quality and sustainability commission; and to amend the state administrative procedure act, in relation to including workforce impact in a regulatory impact statement

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

Section 1. The public health law is amended by adding a new section 207-b to read as follows:

§ 207-b. New York state health care quality and sustainability commission. 1. a. There is hereby established within the department a commission to be known as the "New York state health care quality and sustainability commission", hereafter referred to in this section as the "commission", to analyze the impact of proposed legislation on: (i) the quality, delivery and cost of care to be incurred by the impacted health care industry; and (ii) the sustainability of the impacted health care industry and the related workforce.

b. The commission shall consist of three members appointed by the governor, one of whom shall be the commissioner and one of whom shall be the superintendent of the department of financial services and six of whom shall be appointed on the recommendation of the legislative leaders, one on the recommendation of the temporary president of the senate, one on the recommendation of the speaker of the assembly, one on the recommendation of the minority leader of the senate and one on the recommendation of the minority leader of the assembly. All members shall serve at the pleasure of the governor, and vacancies shall be appointed in the same manner as original appointments. Members of the commission shall serve without compensation, but shall be reimbursed for reasonable travel expenses.

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

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2. The governor and the chairs and ranking minority members of the New York state senate and assembly committees on health may request in writing that the commission evaluate proposed legislation. Upon receiving such a request, the commission shall undertake an evaluation of such proposed legislation.

3. In evaluating proposed legislation, the commission shall:

a. investigate and analyze the current practices of the affected health care industry with regard to the proposed legislation, including the availability of a qualified workforce;

b. analyze the most current medical literature regarding the proposed legislation to determine its impact on health care quality and delivery;

c. investigate and analyze the potential cost of the proposed legislation to consumers and the affected health care industry; and

d. investigate and analyze the impact the proposed legislation would have on the sustainability of the affected health care industry, including but not limited to, the quality and delivery of health care services and the ability of the industry to attract and retain a qualified workforce.

4. In evaluating proposed legislation, the commission may hold one or more public hearings, and shall strive to obtain independent and verifiable information from diverse sources within the health care industry, medical community and among health care consumers with regard to the proposed policy contained in the legislation.

5. To assist the commission in its duties and upon the request of the commission, the commissioner is authorized to enter into one or more contracts with independent entities and organizations with demonstrable expertise in health care quality, finance, utilization and actuarial services. For the purposes of this section, the commissioner shall not enter into contracts with entities or organizations owned or controlled by the health care industry impacted by the proposed legislation, or with significant business relationships with such industry.

6. Upon completion of its evaluation of proposed legislation pursuant to this section, the commission shall deliver a written report of its findings to the chairs and ranking minority members of the New York state senate and assembly committees on health.

§ 2. Subdivision 3 of section 202-a of the state administrative procedure act is amended by adding a new paragraph (j) to read as follows:

(j) Workforce impact. A statement identifying the projected impact of the rule on the workforce, including, but not limited to the availability of qualified personnel and the impact on the relevant industry's ability to retain and attract qualified personnel.

§ 3. This act shall take effect immediately.