

# STATE OF NEW YORK

4408

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. REYES, DICKENS, BICHOTTE HERMELYN, CUNNINGHAM, GUNTHER, GLICK, JACOBSON, JEAN-PIERRE, SIMON, HEVESI, AUBRY, EPSTEIN, FALL, HUNTER -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to reimbursement for early and periodic screening, diagnosis and treatment

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

1 Section 1. Subdivisions 1 and 3 of section 368-d of the social  
2 services law, as amended by section 54 of part B of chapter 58 of the  
3 laws of 2009, are amended to read as follows:  
4 1. The department of health shall review claims for expenditures made  
5 by or on behalf of local public school districts, and state  
6 operated/state supported schools which operate pursuant to article  
7 eighty-five, eighty-seven or eighty-eight of the education law, for  
8 medical care, services and supplies which are furnished to children with  
9 handicapping conditions or such children suspected of having handicap-  
10 ping conditions, as such children are defined in the education law. The  
11 department of health shall also review claims for expenditures for early  
12 and periodic screening, diagnosis and treatment and other health  
13 services, care and supplies which are furnished to eligible children  
14 regardless of whether the children have handicapping conditions, are  
15 suspected of having handicapping conditions or have an individualized  
16 education plan. If approved by the department, payment for such medical  
17 care, services and supplies which would otherwise qualify for reimburse-  
18 ment under this title and which are furnished in accordance with this  
19 title and the regulations of the department to such children, shall be  
20 made in accordance with the department's approved medical assistance fee  
21 schedules by payment to such local public school district, and state  
22 operated/state supported schools which operate pursuant to article  
23 eighty-five, eighty-seven or eighty-eight of the education law, which  
24 furnished the care, services or supplies either directly or by contract.

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

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1     3. The department of health shall apply for all necessary federal  
2 approvals to implement the provisions of this section. The provisions of  
3 this section shall be of no force and effect unless all necessary  
4 approvals under federal law and regulation have been obtained to receive  
5 federal financial participation in the costs of health care services  
6 provided pursuant to this section.

7     § 2. Subdivision 1 and the closing paragraph of section 368-e of the  
8 social services law, as amended by section 55 of part B of chapter 58 of  
9 the laws of 2009, are amended to read as follows:

10     1. The department of health shall review claims for expenditures made  
11 by counties and the city of New York for medical care, services and  
12 supplies which are furnished to preschool children with handicapping  
13 conditions or such preschool children suspected of having handicapping  
14 conditions, as such children are defined in the education law. The  
15 department of health shall also review claims for expenditures for early  
16 and periodic screening, diagnosis and treatment and other health  
17 services, care and supplies which are furnished to eligible pre-school  
18 children regardless of whether the pre-school children have handicapping  
19 conditions, are suspected of having handicapping conditions or have an  
20 individualized education plan. If approved by the department, payment  
21 for such medical care, services and supplies which would otherwise qual-  
22 ify for reimbursement under this title and which are furnished in  
23 accordance with this title and the regulations of the department to such  
24 children, shall be made in accordance with the department's approved  
25 medical assistance fee schedules by payment to such county or city which  
26 furnished the care, services or supplies either directly or by contract.  
27 Notwithstanding any provisions of law, rule or regulation to the contra-  
28 ry, any clinic or diagnostic and treatment center licensed under article  
29 twenty-eight of the public health law, which as determined by the state  
30 education department, in conjunction with the department of health, has  
31 a less than arms length relationship with the provider approved under  
32 section forty-four hundred ten of the education law shall, subject to  
33 the approval of the department and based on standards developed by the  
34 department, be authorized to directly submit such claims for medical  
35 assistance, services or supplies so furnished for any period beginning  
36 on or after July first, nineteen hundred ninety-seven. The actual full  
37 cost of the individualized education program (IEP) related services  
38 incurred by the clinic shall be reported on the New York State Consol-  
39 idated Fiscal Report in the education law section forty-four hundred ten  
40 program cost center in which the student is placed and the associated  
41 medical assistance revenue shall be reported in the same manner.

42     6. The department of health shall apply for all necessary federal  
43 approvals to implement the provisions of this section. The provisions of  
44 this section shall be of no force and effect unless all necessary  
45 approvals under federal law and regulation have been obtained to receive  
46 federal financial participation in the costs of health care services  
47 provided pursuant to this section.

48     § 3. This act shall take effect immediately.