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:

Section 1. Subdivisions 1 and 3 of section 368-d of the social services law, as amended by section 54 of part B of chapter 58 of the laws of 2009, are amended to read as follows:

1. The department of health shall review claims for expenditures made by or on behalf of local public school districts, and state operated/state supported schools which operate pursuant to article eighty-five, eighty-seven or eighty-eight of the education law, for medical care, services and supplies which are furnished to children with handicapping conditions or such children suspected of having handicapping conditions, as such children are defined in the education law. **The department of health shall also review claims for expenditures for early and periodic screening, diagnosis and treatment and other health services, care and supplies which are furnished to eligible children regardless of whether the children have handicapping conditions, are suspected of having handicapping conditions or have an individualized education plan.** If approved by the department, payment for such medical care, services and supplies which would otherwise qualify for reimbursement under this title and which are furnished in accordance with this title and the regulations of the department to such children, shall be made in accordance with the department's approved medical assistance fee schedules by payment to such local public school district, and state operated/state supported schools which operate pursuant to article eighty-five, eighty-seven or eighty-eight of the education law, which 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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3. **The department of health shall apply for all necessary federal approvals to implement the provisions of this section.** The provisions of this section shall be of no force and effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of health care services provided pursuant to this section.

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

1. The department of health shall review claims for expenditures made by counties and the city of New York for medical care, services and supplies which are furnished to preschool children with handicapping conditions or such preschool children suspected of having handicapping conditions, as such children are defined in the education law. **The department of health shall also review claims for expenditures for early and periodic screening, diagnosis and treatment and other health services, care and supplies which are furnished to eligible pre-school children regardless of whether the pre-school children have handicapping conditions, are suspected of having handicapping conditions or have an individualized education plan.** If approved by the department, payment for such medical care, services and supplies which would otherwise qualify for reimbursement under this title and which are furnished in accordance with this title and the regulations of the department to such children, shall be made in accordance with the department's approved medical assistance fee schedules by payment to such county or city which furnished the care, services or supplies either directly or by contract. Notwithstanding any provisions of law, rule or regulation to the contrary, any clinic or diagnostic and treatment center licensed under article twenty-eight of the public health law, which as determined by the state education department, in conjunction with the department of health, has a less than arms length relationship with the provider approved under section forty-four hundred ten of the education law shall, subject to the approval of the department and based on standards developed by the department, be authorized to directly submit such claims for medical assistance, services or supplies so furnished for any period beginning on or after July first, nineteen hundred ninety-seven. The actual full cost of the individualized education program (IEP) related services incurred by the clinic shall be reported on the New York State Consolidated Fiscal Report in the education law section forty-four hundred ten program cost center in which the student is placed and the associated medical assistance revenue shall be reported in the same manner.

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

§ 3. This act shall take effect immediately.