STATE OF NEW YORK

5307

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

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

AN ACT to amend the public health law, in relation to creating the office of healthcare accountability

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

Section 1. Article 1 of the public health law is amended by adding a new title 4 to read as follows:

TITLE 4

OFFICE OF HEALTHCARE ACCOUNTABILITY

Section 40. Office of healthcare accountability.

41. Definitions.

42. Powers and duties.

43. Reporting.

§ 40. Office of healthcare accountability. There is hereby established within the department an office of healthcare accountability. Such office shall be headed by a director of healthcare accountability, who shall be appointed by the commissioner.

§ 41. Definitions. For purposes of this title, the following terms have the following meanings:

1. "Director" shall mean the director of healthcare accountability.

2. "Office" shall mean the office of healthcare accountability.

§ 42. Powers and duties. The director shall have the power and duty to:

1. Provide recommendations to the governor, legislature, state comptroller, and trustees of the state pension systems regarding healthcare and hospital costs, including, but not limited to, the proportion of healthcare costs spent on hospital care;

2. Audit expenditures on healthcare costs for state employees, state retirees, and their dependents;

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

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3. Provide, on the office's website in a simplified and publicly accessible format, information on the costs of hospital procedures. Such information shall be based on any publicly available information relating to the cost of hospital procedures, including disclosures required pursuant to state and federal law, and shall be formatted in a way to allow for comparisons between procedure costs for specific hospitals; and

4. Provide on the office's website a summary of the cost transparency of each hospital in the state, categorizing each hospital as very transparent, satisfactory, or not transparent. Such summary shall be updated at least annually and shall be based on the office's assessment of the information that each hospital has disclosed relating to the cost of hospital procedures, including:

(a) whether such disclosures comply with the requirements of state and federal law; and

(b) whether such disclosures were provided within the time period required by state and federal law.

§ 43. Reporting. One year after the effective date of this title, and annually thereafter, the director shall submit to the governor, the temporary president of the senate, the speaker of the assembly, and the attorney general, and shall post conspicuously on the office's website, a report detailing the pricing practices for hospital systems in New York state. Such report shall include, but not be limited to, the following:

1. a summary of any audits conducted pursuant to subdivision two of section forty-two of this title, including the costs of hospital procedures paid for by the state disaggregated by hospital;

2. a summary of prices charged for hospital procedures disaggregated by:

(a) hospital;

(b) type of procedure, and;

(c) to the extent available, the average rate of reimbursement received by the hospital from each health insurance provider or other payer for each procedure;

3. a summary of each hospital's level of transparency pursuant to subdivision four of section forty-two of this title;

4. to the extent available, a breakdown of each major insurance provider's and other payer's profit margins, employee headcounts, overhead costs, and executive salaries and bonuses; and

5. to the extent available, a summary of each hospital's community benefit information as publicly reported on the Internal Revenue Service's Form 990, Schedule H, as required pursuant to section 501(r) of the Internal Revenue Service code, and each hospital's publicly available implementation report regarding the hospital's performance in meeting the healthcare needs of the community, providing charity care services, and improving access to healthcare services by the underserved, as required pursuant to subdivision three of section twenty-eight hundred three-l of this chapter.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.