

STATE OF NEW YORK

9102--C

IN ASSEMBLY

February 7, 2024

Introduced by M. of A. KELLES, McDONALD, LUCAS, GUNTHER, HEVESI, THIELE, BUTTENSCHON, LAVINE, CLARK, DICKENS, BURDICK, MEEKS, FAHY, EPSTEIN, STIRPE, BARRETT, LEVENBERG, WOERNER, BURKE, JONES, MANKTELOW, LUNSFORD, RA, SILLITTI, J. M. GIGLIO, OTIS, LUPARDO, SHIMSKY, BENDETT, DAVILA, SAYEGH, GRAY, SEAWRIGHT, PALMESANO -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to Medicaid reimbursement for treatment in place and transportation to alternative health care settings by ambulance services

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

Section 1. The social services law is amended by adding a new section 367-y to read as follows:

§ 367-y. Reimbursement for treatment in place and transportation to alternative health care settings. 1. Notwithstanding any provision of law to the contrary, any provision of this title providing for reimbursement of transportation costs for an ambulance service shall also apply where, instead of providing transportation to a general hospital, such ambulance service when responding to an emergency call:

(a) Administers treatment in place, including but not limited to telehealth visits approved by Medicaid for reimbursement when deemed necessary; and/or

(b) Transports an individual to an alternative health care setting.

2. For the purposes of this section, the following terms shall have the following meanings:

(a) "Alternative health care setting" means the following facilities or institutions approved by Medicaid for reimbursement and accepting Medicaid recipients:

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

LBD14413-09-4

1 (i) a crisis stabilization center or certified community behavioral
2 health clinic operating pursuant to article thirty-six of the mental
3 hygiene law;

4 (ii) a facility under section 7.17 of the mental hygiene law;

5 (iii) a facility providing addiction disorder services or behavioral
6 health services, as such terms are defined by section 1.03 of the mental
7 hygiene law;

8 (iv) a diagnostic and treatment center established pursuant to article
9 twenty-eight of the public health law, or an upgraded diagnostic and
10 treatment center designated as such pursuant to section twenty-nine
11 hundred fifty-six of the public health law;

12 (v) a federally qualified health center; or

13 (vi) an urgent care center, which for the purposes of this section
14 shall mean a facility that provides episodic care related to an acute
15 illness or minor traumas that are not life-threatening or permanently
16 disabling.

17 (b) "Ambulance service" shall have the same meaning as defined by
18 section three thousand one of the public health law.

19 (c) "General hospital" shall have the same meaning as defined by
20 section twenty-eight hundred one of the public health law.

21 (d) "Treatment in place" means the administration of emergency medical
22 services, as defined by section three thousand one of the public health
23 law, by an employee or volunteer of an ambulance service. Such services
24 shall be consistent with protocols promulgated pursuant to article thirty
25 of the public health law.

26 3. This section shall be effective if, and as long as, federal finan-
27 cial participation is available therefor.

28 4. Nothing in this section shall be deemed to allow a person to
29 provide any service for which a license, registration, certification or
30 other authorization under title eight of the education law is required
31 and which the person does not possess.

32 § 2. This act shall take effect on the first of October next succeed-
33 ing the date on which it shall have become a law.