

STATE OF NEW YORK

4787--A

Cal. No. 451

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sens. RIVERA, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to requiring periodic reviews of pending applications for material change in the coverage status of certain matters relative to new health technology assessment or medical evidence

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

1 Section 1. Subdivision 5 of section 365-d of the social services law,
2 as added by section 46-a of part B of chapter 57 of the laws of 2015, is
3 amended to read as follows:

4 5. (a) The commissioner, in consultation with the committee, shall
5 undertake periodic reviews of pending applications for material change
6 in the coverage status of a particular item, health technology or
7 service, and any matter relative to new health technology assessment or
8 medical evidence for which an applicant has submitted a complete appli-
9 cation to the department within three months of receipt. The department
10 shall notify an applicant of incompleteness within thirty days of
11 receipt of submission. Receipt of applications shall be published on the
12 department's website within seven days of receipt. The commissioner
13 shall schedule a review of such pending applications and cause publica-
14 tion of the date of review on the department's website within seven days
15 of the review required by this paragraph.

16 (b) The commissioner, in consultation with the committee, shall issue
17 a report to the chair of the standing committee on health in the senate
18 and assembly and publish the report on the department's website within
19 thirty days of review of any pending application pursuant to paragraph

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

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1 (a) of this subdivision. Such report shall provide the date of applica-
2 tion, date of review, and a stated determination of sufficiency of
3 evidence warranting committee deliberation and recommendation. In the
4 event of an affirmative determination of sufficiency of evidence, the
5 commissioner shall require the committee to issue a recommendation with-
6 in six months of such determination of sufficiency. In the event of a
7 negative determination, the commissioner shall detail such insufficiency
8 of evidence and allow the applicant to cure stated deficiencies for
9 review under the requirements provided in paragraph (a) of this subdivi-
10 sion.

11 (c) The committee shall consider any matter regarding material changes
12 in the coverage status of a particular item, health technology or
13 service, and any matter relative to new health technology assessment or
14 medical evidence review for which the department determines a sufficient
15 body of evidence exists to warrant committee deliberation. The commis-
16 sioner shall provide members of the committee with any evidence or
17 information related to the health technology or medical service assess-
18 ment including but not limited to, information submitted by members of
19 the public. The department shall report to the committee programmatic
20 changes to benefits that do not rise to the level of a material change,
21 as well as determinations of when sufficient medical evidence exists to
22 warrant committee deliberations. The commissioner shall provide forty-
23 five days public notice on the department's website prior to any meeting
24 of the committee to develop recommendations concerning health technology
25 or medical service coverage determinations. Such notice shall include a
26 description of the proposed health technology or service to be reviewed,
27 the conditions or diseases impacted by the health technology or service,
28 the proposals to be considered by the committee, and the systematic
29 evidence-based assessment prepared in accordance with this subdivision.
30 The committee shall allow interested parties a reasonable opportunity to
31 make an oral presentation to the committee related to the health tech-
32 nology or service to be reviewed and to submit written information. The
33 committee shall consider any information provided by any interested
34 party, including, but not limited to, health care providers, health care
35 facilities, patients, consumers and manufacturers. For all health tech-
36 nologies or services selected for review, the department shall conduct
37 or commission a systematic evidence-based assessment of the health tech-
38 nology's or service's safety and clinical efficacy. The assessment shall
39 use established systematic review elements, study quality assessment,
40 and data synthesis. Upon completion, the systematic, evidence-based
41 assessment shall be made available to the public.

42 § 2. This act shall take effect immediately.