STATE OF NEW YORK

6123

2023-2024 Regular Sessions

IN SENATE

March 30, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the submission of claims for services provided by home care agencies

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

Section 1. Section 3614-e of the public health law, as added by section 49 of part B of chapter 57 of the laws of 2015, is amended to read as follows:

§ 3614-e. Electronic payment of claims. **1.** The payment of claims submitted under contracts or agreements with insurers under the medical assistance program for home and community-based long-term care services provided under this article, by fiscal intermediaries operating pursuant to section three hundred sixty-five-f of the social services law, and by residential health care facilities operating pursuant to article twenty-eight of this chapter shall be paid via electronic funds transfer. **Claims for services provided by home care agencies licensed or certified under this article and by fiscal intermediaries operating pursuant to section three hundred sixty-five-f of the social services law shall be only submitted and remitted on forms approved by the centers for Medicare and Medicaid services. Claims shall be submitted to insurers directly or by a billing entity selected by the home care agency licensed or certified under this article or by a fiscal intermediary operating pursuant to section three hundred sixty-five-f of the social services law. Insurers shall not require the utilization by contract or action any specific billing entity by a home care agency licensed or certified under this article or by a fiscal intermediary operating pursuant to section three hundred sixty-five-f of the social services law; nor impede the timely processing and payment of claims.**

2. Nothing shall limit an insurer's ability to review or audit claims for fraud, waste, and abuse.

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

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3. Such insurers shall include but not be limited to Medicaid managed care plans and managed long-term care plans.

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