STATE OF NEW YORK

7293

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. RYAN -- 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 performance standards that must be met by managed long term care plans

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

Section 1. Paragraph (a) of subdivision 6-a of section 4403-f of the public health law, as added by section 4 of part I of chapter 57 of the laws of 2023, is amended to read as follows:

(a) On or before January first, two thousand twenty-four, each managed long term care plan that has been issued a certificate of authority pursuant to this section shall have an active **Institutional Special Needs Plan or a** Medicare Dual Eligible Special Needs Plan in operation whose H-contract either has a current quality star rating from the Centers for Medicare and Medicaid Services of three stars or higher, or has not been issued a quality star rating from the Centers for Medicare and Medicaid Services**, or a Program of All-Inclusive Care for the Elderly (PACE)**. In addition, the managed long term care plan shall sufficiently demonstrate success in the following performance categories:

(i) in addition to meeting the requirements of paragraph (j) of subdivision seven of this section, in order to ensure network adequacy a commitment to contracting with an adequate number of licensed home care service agencies needed to provide necessary personal care services to the greatest practicable number of enrollees, and with an adequate number of fiscal intermediaries needed to provide necessary consumer directed personal assistance services to the greatest practicable number of enrollees in accordance with section three hundred sixty-five-f of the social services law;

(ii) readiness to timely implement and adhere to maximum wait time criteria for key categories of service in accordance with laws, rules

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

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and regulations of the department or the Centers for Medicare and Medicaid Services;

(iii) commitment to quality improvement;

(iv) accessibility and geographic distribution of network providers, taking into account the needs of persons with disabilities and the differences between rural, suburban, and urban settings;

(v) demonstrated cultural and language competencies specific to the population of participants;

(vi) ability to serve enrollees across the continuum of care, as demonstrated by the type and number of products the managed long term care operates or has applied to operate, including integrated care for participants who are dually eligible for Medicaid and Medicare[~~, and those operated under title one-A of article twenty-five of this chapter and section three hundred sixty-nine-gg of the social services law~~]; and

(vii) value based care readiness and experience.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 4403-f of the public health law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.