

STATE OF NEW YORK

7488

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT to amend the public health law and the social services law, in relation to rates of reimbursement for private duty nursing

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

1 Section 1. Subdivision 11 of section 3614 of the public health law is
2 amended by adding a new paragraph (d) to read as follows:

3 (d) For enrollees covered by Medicaid as of January first, two thou-
4 sand twenty-four under a payment rate methodology agreement negotiated
5 with a licensed home care services provider, including but not limited
6 to services provided through licensed home care services agencies,
7 payments for all hourly home care services provided through private duty
8 nursing, including but not limited to nursing services, provided to
9 patients eligible for medical assistance pursuant to title eleven of
10 article five of the social services law made by organizations operating
11 in accordance with the provisions of article forty-four of this chapter
12 or by health maintenance organizations organized and operating in
13 accordance with article forty-three of the insurance law shall, at a
14 minimum, be at a benchmark rate which is to be the fee-for-service rate
15 calculated pursuant to this chapter and as in effect at the time such
16 services were provided.

17 § 2. Section 364-j of the social services law is amended by adding a
18 new subdivision 40 to read as follows:

19 40. For enrollees covered by Medicaid as of January first, two thou-
20 sand twenty-four under a payment rate methodology agreement negotiated
21 with a licensed home care services provider, including but not limited
22 to services provided through licensed home care services agencies,
23 payments for all hourly home care services provided through private duty
24 nursing, including but not limited to nursing services, provided to
25 patients eligible for medical assistance under this title made by organ-

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

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1 izations operating in accordance with the provisions of article forty-
2 four of the public health law or by health maintenance organizations
3 organized and operating in accordance with article forty-three of the
4 insurance law shall, at a minimum, be the rates of payment that would be
5 paid for such patients pursuant to subdivision fourteen of section thir-
6 ty-six hundred fourteen of the public health law.

7 § 3. This act shall take effect immediately.