STATE OF NEW YORK

8002

IN SENATE

January 5, 2024

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

AN ACT to amend the public health law, in relation to the New York state adult cystic fibrosis program; and to amend a chapter of the laws of 2023, amending the public health law relating to the adult cystic fibrosis assistance program, as proposed in legislative bills numbers S. 6521 and A. 3089, in relation to the effectiveness thereof

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

Section 1. Section 2795 of the public health law, as added by a chapter of the laws of 2023, amending the public health law relating to the adult cystic fibrosis assistance program, as proposed in legislative bills numbers S. 6521 and A. 3089, is amended to read as follows:

§ 2795. [~~Adult~~] **New York state adult** cystic fibrosis assistance program. 1. [~~The commissioner~~] **Subject to available appropriation for the purpose outlined in this article, the department** shall establish [~~a~~] **an adult cystic fibrosis assistance** program [~~to reimburse the cost of providing health care or health insurance to eligible individuals who have~~]**, which shall be known as the "New York State Adult Cystic Fibrosis Assistance Program", and which shall consist of administrative support services for the provision of financial assistance for services such as prescription drug costs, device costs, medical care services, behavioral health services, and insurance premiums for the treatment of** cystic fibrosis **disease and its conditions**.

2. [~~To be a fully eligible individual for whom health care will be provided under this section, such individual:~~

~~(a) shall be at least twenty-one years old;~~

~~(b) shall have been diagnosed as having cystic fibrosis;~~

~~(c) shall have resided in the state for a minimum of twelve continuous months immediately prior to application for services under this section;~~

~~(d) shall not be eligible for medical benefits under any group or individual health insurance policy; and~~

~~(e) shall not be eligible for medical assistance pursuant to title eleven of article five of the social services law solely due to earned~~

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

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~~income~~] The commissioner shall enter into a contract for the operation and promotion of the adult cystic fibrosis assistance program subject to such terms and conditions as may be contained within such contract with an organization that has experience and expertise improving access to healthcare for patients who are underinsured by dispersing financial assistance grants to cover costs of essential treatments and medications. The contractor may subcontract as needed for the effective performance of the contract. All such subcontractors and the terms of such subcontracts shall be subject to approval by the commissioner.

3. [~~To be a partially eligible individual for whom health care will be provided under this section, such individual shall meet all the criteria of a fully eligible individual except that a partially eligible individual shall be an individual who is eligible for medical benefits under any group or individual health insurance policy but which does not cover all services necessary for the care and treatment of cystic fibrosis.~~

~~4. The commissioner shall require each fully eligible individual, upon determination of eligibility, to make application to a private health insurance provider as prescribed by the commissioner for an individual health insurance policy. If and when such policy is granted, the commissioner shall approve payment for the associated premium.~~

~~5. The commissioner shall authorize payment for services related to the care and treatment of cystic fibrosis not otherwise covered by a health insurance policy. Providers of such services shall be reimbursed at the same rate and claims for payment shall be made as if such individual was eligible for benefits pursuant to title eleven of article five of the social services law.~~

~~6. All eligible individuals shall be required to contribute seven percent of their net annual income toward the cost of care and/or the cost of the annual health insurance premium.~~

~~7. The commissioner shall, in consultation with the commissioner of social services, promulgate rules and regulations necessary to implement the provisions of this article~~] The duties of the contractor shall include, but not be limited to, the following:

(a) verification of patient eligibility for financial assistance grants allowable pursuant to paragraph (b) of this subdivision. To be eligible for a financial assistance grant, a patient shall meet criteria determined by the department, which shall include but not be limited to, requiring the patient:

(i) be a New York state resident;

(ii) be at least twenty-one years of age or older;

(iii) have a diagnosis of cystic fibrosis; and

(iv) have some form of primary private health insurance or Medicare and is not eligible for state Medicaid, and shall maintain health insurance during the financial assistance award period;

(b) review of financial assistance grant applications submitted by eligible patients for approval, for services including but not limited to prescription drug costs, device costs, medical care services, behavioral health services, and medical, vision and dental insurance premiums, for patient treatment of cystic fibrosis;

(c) disbursement of grant funding for applications approved pursuant to paragraph (b) of this subdivision related to the care and treatment of cystic fibrosis not otherwise covered by a health insurance policy;

(d) preparation and submission of a monthly report to the department. Such report shall include but not be limited to:

(i) new grants, which is the number of new grant recipients for initial grant periods;

(ii) renewal grants, which is the number of renewal grant recipients for renewal grant periods;

(iii) total active grant recipient count, which is the total number of active grant recipients;

(iv) grant recipients by insurance type, which is the number of active grant recipients sorted by insurance type;

(v) program expenses, which is the total amount spent sorted by assistance type but does not include administration fees;

(vi) application outcomes report, which is the number of grant recipients who have become inactive, sorted by reason; and

(vii) allotment used, which is the total amount of copayment assistance provided to each grant recipient compared to what is currently used by the grant recipient.

§ 2. Section 2 of a chapter of the laws of 2023, amending the public health law relating to the adult cystic fibrosis assistance program, as proposed in legislative bills numbers S. 6521 and A. 3089, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire March 31, 2024 when upon such date the provisions of this act shall be deemed repealed.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the public health law relating to the adult cystic fibrosis assistance program, as proposed in legislative bills numbers S. 6521 and A. 3089, takes effect; provided, further, that the amendments to section 2795 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.