STATE OF NEW YORK

8486--C

Cal. No. 1400

IN SENATE

February 5, 2024

Introduced by Sens. HINCHEY, MAY, ASHBY, BORRELLO, GALLIVAN, HELMING, MATTERA, OBERACKER, O'MARA, PALUMBO, ROLISON, STEC, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee, ordered to second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 Medicaid reimbursement for treatment in place and transportation to alternative health care settings by ambulance services

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

Section 1. The social services law is amended by adding a new section 367-y to read as follows:

§ 367-y. Reimbursement for treatment in place and transportation to alternative health care settings. 1. Notwithstanding any provision of law to the contrary, any provision of this title providing for reimbursement of transportation costs for an ambulance service shall also apply where, instead of providing transportation to a general hospital, such ambulance service when responding to an emergency call:

(a) Administers treatment in place, including but not limited to telehealth visits approved by Medicaid for reimbursement when deemed necessary; and/or

(b) Transports an individual to an alternative health care setting.

2. For the purposes of this section, the following terms shall have the following meanings:

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

LBD14413-08-4

(a) "Alternative health care setting" means the following facilities or institutions approved by Medicaid for reimbursement and accepting Medicaid recipients:

(i) a crisis stabilization center or certified community behavioral health clinic operating pursuant to article thirty-six of the mental hygiene law;

(ii) a facility under section 7.17 of the mental hygiene law;

(iii) a facility providing addiction disorder services or behavioral health services, as such terms are defined by section 1.03 of the mental hygiene law;

(iv) a diagnostic and treatment center established pursuant to article twenty-eight of the public health law, or an upgraded diagnostic and treatment center designated as such pursuant to section twenty-nine hundred fifty-six of the public health law;

(v) a federally qualified health center; or

(vi) an urgent care center, which for the purposes of this section shall mean a facility that provides episodic care related to an acute illness or minor traumas that are not life-threatening or permanently disabling.

(b) "Ambulance service" shall have the same meaning as defined by section three thousand one of the public health law.

(c) "General hospital" shall have the same meaning as defined by section twenty-eight hundred one of the public health law.

(d) "Treatment in place" means the administration of emergency medical services, as defined by section three thousand one of the public health law, by an employee or volunteer of an ambulance service. Such services shall be consistent with protocols promulgated pursuant to article thirty of the public health law.

3. This section shall be effective if, and as long as, federal financial participation is available therefor.

4. Nothing in this section shall be deemed to allow a person to provide any service for which a license, registration, certification or other authorization under title eight of the education law is required and which the person does not possess.

§ 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.