STATE OF NEW YORK

9344

IN SENATE

May 13, 2024

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 enacting the lab services accessibility act

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

Section 1. Short title. This act shall be known any may be cited as the "lab services accessibility act".

§ 2. Section 585 of the public health law, as added by chapter 803 of the laws of 1992, is amended to read as follows:

§ 585. Definitions. Whenever used in this title:

1. "Health services purveyor" means any person, firm, partnership, group, association, **nonprofit corporation, business** corporation [~~or~~], professional corporation**, limited liability company**, or any agent, employee, fiduciary, employer or representative thereof, [~~including but not limited to a physician, dentist, podiatrist or chiropractor, either in individual practice, group practice or employed in a facility owned by any person, group, association, firm, partnership or corporation hiring any of the aforementioned practitioners, who provide health or~~] **that assists in facilitating the provision of health related services, including, but not limited to, participation in the initiation, coordination, payment, delivery, or follow-up of such** health related services.

2. "Clinical laboratory" shall have the same meaning as is set forth in subdivision one of section five hundred seventy-one of this article.

3. "Public health program" shall mean an initiative under which the clinical laboratory services are performed in relation to any procedure, test, assay, or diagnostic where one of the following applies:

(a) it is supported by public health funds, grants, or awards; or

(b) it is reasonably expected to respond to a public health need recognized by law, regulation, the department, or other applicable guidance, including, but not limited to:

(i) testing with a heightened need for confidentiality, including, but not limited to, testing related to: (1) a termination of pregnancy, (2) a sexually transmittible infection, (3) antiretroviral preexposure

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

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prophylaxis (PrEP) or postexposure prophylaxis (PEP); and (4) drug abuse screening;

(ii) testing recommended by the federal centers for disease control and prevention guidelines;

(iii) testing with a grade "A" or "B" recommended by the United States preventative service task force;

(iv) testing provided to advance access to healthcare and improve patient outcomes for underserved, vulnerable, and/or rural populations; or

(v) testing in response to an epidemic, pandemic, outbreak, or other declared state of emergency.

§ 3. Subdivisions 2 and 3 of section 586 of the public health law, as added by chapter 803 of the laws of 1992, paragraph (h) of subdivision 2 as amended by chapter 558 of the laws of 1999, are amended to read as follows:

2. The provisions of subdivision one of this section shall be inapplicable to services rendered by a clinical laboratory [~~operated~~] permitted by the state of New York; and to payment by:

(a) A legal relative of the recipient of the services;

(b) An insurance carrier designated by the recipient of the services;

(c) A hospital as defined in article twenty-eight of this chapter on behalf of an in-patient or out-patient of such hospital having been the recipient of the services;

(d) One purveyor to another purveyor for actual services rendered;

(e) An industrial firm only for its own employees;

(f) A trade union health facility only for its registered patients;

(g) Governmental agencies and/or their specified public or private agent, agency or organization on behalf of the recipient of the services;

(h) A substance abuse or chemical dependence program which has been approved to operate by the office of [~~alcoholism and substance abuse~~] addiction services and supports pursuant to the provision of [~~section 23.01 or~~] article thirty-two of the mental hygiene law on behalf of clients of such a program having been the recipient of the services; [~~and~~]

(i) A health maintenance organization operating in accordance with article forty-three of the insurance law or article forty-four of this chapter[~~.~~]; and

(j) A nonprofit clinic, health care provider, or health services purveyor that is supporting a public health program.

3. The [~~public health council~~] department shall adopt and amend rules and regulations[~~, subject to approval by the commissioner,~~] to effectuate the provisions and purposes of this section.

§ 4. This act shall take effect immediately.