§ 2202. Tuberculosis; care and treatment. 1. (a) Notwithstanding any inconsistent provision of this chapter or of any other general, special or local law or city charter, when a person suffering from tuberculosis or suspected of having tuberculosis is in need of care and treatment therefor from a hospital, as defined in article twenty-eight of this chapter, or a certified home health agency which provides such care and treatment, the county or the city of New York, as the case may be, in which such person resides or is found shall provide or secure such care and treatment.

(b) The legislative body of each county and the corresponding authority of the city of New York shall designate the commissioner of health of any county or part-county health district or the city of New York or, in a county lacking a county or part-county health district, the county health director, or appropriate health officer, as the case may be, to be responsible for providing or securing such care and treatment.

(c) The cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of this chapter relating to rates of payment of such care and treatment shall be a charge against the county or the city of New York, as the case may be, in which such person has local residence, except that third party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of this chapter relating to rates of payment of the individual's care and treatment as hereinafter provided.

(d) The care and treatment of state charges, as defined in this article, shall be subject to the rules of the commissioner who may designate any local public official to act for him in emergency cases involving such state charges.

(e) Diagnoses, tests, studies or analyses for the discovery of tuberculosis and care and treatment by a hospital, as defined in article twenty-eight of this chapter, or by a certified home health agency which are provided by the state or by any county or city shall be available without cost or charge to the persons receiving such examinations, care or treatment, except that the third party coverage or indemnification shall first be applied against the total cost to the hospital or other

provider as established in accordance with the provisions of section twenty-eight hundred seven of this chapter relating to rates of payment of the individual's care and treatment as hereinafter provided.

2. Any person who volunteers to assume and pay for the cost of such hospital care and treatment or for the cost of such diagnosis, test, study or analysis shall be permitted to do so; but no state, county, city or other public official shall request or require payment or make, or cause to be made, any inquiry or investigation for the purpose of determining the ability of a person or of his legally responsible relatives to pay for diagnoses, tests, studies or analyses for the discovery of tuberculosis or for care and treatment provided by a hospital, as defined by article twenty-eight of this chapter, or by a certified home health agency except to determine if there is third party coverage or indemnification to pay or indemnify all or part of such cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of this chapter relating to rates of payment.

3. Determinations and orders concerning liability to pay for care and treatment and the provision of care and treatment to persons suffering from tuberculosis or suspected of having tuberculosis by the state or by any county or city shall be in accordance with the rules and regulations of the commissioner and expenses incurred therefor shall be eligible for state aid reimbursement pursuant to the provisions of title two of article six of this chapter after applying against the total cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of this chapter relating to rates of payment of the individual's treatment the amounts received from or payable by medicare, workers' compensation, medical assistance in accordance with the social services law, or other third party payers and indemnitors and less any payments made or assignable under any federal law or laws heretofore enacted, provided, however, that expenses incurred for inpatient hospital care shall be eligible for reimbursement for a period not to exceed six weeks for any individual patient during any calendar year, unless approved as necessary by the commissioner for a longer period of time.

4. If upon a review of a claim submitted for the purposes of state aid reimbursement, the county, or the part county health district, or the city of New York, or the state determine that the person was in fact eligible for third party coverage or indemnification at the time care and treatment was provided and the hospital or certified home health agency failed to make a good faith effort to determine third party coverage or indemnification, the hospital or the certified home health agency shall not receive state aid reimbursement for that claim from the county or the city of New York. The commissioner shall promulgate rules and regulations requiring recoupment or repayment from the hospital or the certified home health agency if the hospital or the certified home health agency has already received state aid reimbursement from the county or the city of New York.