*** § 364-jj. Special advisory review panel on Medicaid managed care.** (a) There is hereby established a special advisory review panel on Medicaid managed care. The panel shall consist of sixteen members who shall be appointed as follows: six by the governor, one of which shall serve as the chair; four each by the temporary president of the senate and the speaker of the assembly; and one each by the minority leader of the senate and the minority leader of the assembly. At least three members of such panel shall be members of the joint advisory panel established under section 13.40 of the mental hygiene law. The panel shall include a consumer representative for individuals with behavioral health needs, a consumer representative for individuals who are dually eligible for medicare and Medicaid, a representative of entities that provide or arrange for the provision of services to individuals with behavioral health needs, and a representative of entities that provide or arrange for the provision of services to individuals who are dually eligible for medicare and Medicaid. Members shall serve without compensation but shall be reimbursed for appropriate expenses. The department shall provide technical assistance and access to data as is required for the panel to effectuate the mission and purposes established herein.

(b) The panel shall:

(i) determine whether there is sufficient managed care provider participation in the Medicaid managed care program;

(ii) determine whether managed care providers meet proper enrollment targets that permit as many Medicaid recipients as possible to make their own health plan decisions, thus minimizing the number of automatic assignments;

(iii) review the phase-in schedule for enrollment, of managed care providers under both the voluntary and mandatory programs;

(iv) assess the impact of managed care provider marketing and enrollment strategies, and the public education campaign conducted in New York city, on enrollees participation in Medicaid managed care plans;

(v) evaluate the adequacy of managed care provider capacity by reviewing established capacity measurements and monitoring actual access to plan practitioners;

(vi) examine the cost implications of populations excluded and

exempted from Medicaid managed care;

(vii) evaluate the adequacy and appropriateness of program materials;

(viii) examine trends in service denials;

(ix) assess the access to care for people with disabilities;

(x) in accordance with the recommendations of the joint advisory council established pursuant to section 13.40 of the mental hygiene law, advise the commissioners of health and developmental disabilities with respect to the oversight of DISCOs and of health maintenance organizations and managed long term care plans providing services authorized, funded, approved or certified by the office for people with developmental disabilities, and review all managed care options provided to persons with developmental disabilities, including: the adequacy of support for habilitation services; the record of compliance with requirements for person-centered planning, person-centered services and community integration; the adequacy of rates paid to providers in accordance with the provisions of paragraph 1 of subdivision four of section forty-four hundred three of the public health law, paragraph (a-2) of subdivision eight of section forty-four hundred three of the public health law or paragraph (a-2) of subdivision twelve of section forty-four hundred three-f of the public health law; and the quality of life, health, safety and community integration of persons with developmental disabilities enrolled in managed care; and

(xi) examine other issues as it deems appropriate.

(c) Commencing January first, nineteen hundred ninety-seven and quarterly thereafter the panel shall submit a report regarding the status of Medicaid managed care in the state and provide recommendations if it deems appropriate to the governor, the temporary president and the minority leader of the senate, and the speaker and the minority leader of the assembly.

* NB Effective until December 31, 2027

* § 364-jj. Special advisory review panel on Medicaid managed care. (a) There is hereby established a special advisory review panel on Medicaid managed care. The panel shall consist of nine members who shall be appointed as follows: three by the governor, one of which shall serve as the chair; two each by the temporary president of the senate and the speaker of the assembly; and one each by the minority leader of the senate and the minority leader of the assembly. All members shall be

appointed no later than September first, nineteen hundred ninety-six. Members shall serve without compensation but shall be reimbursed for appropriate expenses. The department shall provide technical assistance and access to data as is required for the panel to effectuate the mission and purposes established herein.

(b) The panel shall:

(i) determine whether there is sufficient managed care provider participation in the Medicaid managed care program;

(ii) determine whether managed care providers meet proper enrollment targets that permit as many Medicaid recipients as possible to make their own health plan decisions, thus minimizing the number of automatic assignments;

(iii) review the phase-in schedule for enrollment, of managed care providers under both the voluntary and mandatory programs;

(iv) assess the impact of managed care provider marketing and enrollment strategies, and the public education campaign conducted in New York city, on enrollees participation in Medicaid managed care plans;

(v) evaluate the adequacy of managed care provider capacity by reviewing established capacity measurements and monitoring actual access to plan practitioners;

(vi) examine the cost implications of populations excluded and exempted from Medicaid managed care; and

(vii) examine other issues as it deems appropriate.

(c) Commencing January first, nineteen hundred ninety-seven and quarterly thereafter the panel shall submit a report regarding the status of Medicaid managed care in the state and provide recommendations if it deems appropriate to the governor, the temporary president and the minority leader of the senate, and the speaker and the minority leader of the assembly.

* NB Effective December 31, 2027