*** § 367-p. Payment for limited home care services agencies.** 1. Notwithstanding any law to the contrary, the commissioner shall, subject to the approval of the director of the budget, establish rates of payment for services provided by limited home care services agencies, licensed by the department of health pursuant to section thirty-six hundred five of the public health law, to eligible individuals who are residents of adult homes and enriched housing programs certified by the department in accordance with article seven of this chapter. Services for which reimbursement shall be available are personal care services provided directly by the agency and authorized and provided in accordance with the rules and regulations of the department; and the administration of medications and application of sterile dressings by a registered nurse provided, however, that the services provided by such agency are not services that must be provided to residents of such facilities pursuant to article seven of this chapter.

2. Notwithstanding any law to the contrary, a limited home care services agency licensed by the department of health shall be reimbursed at a rate that is significantly less than the current costs of providing such services through a personal care provider or certified home health agency in the same service area.

3. For purposes of this section, an eligible individual means an individual who is eligible for medical assistance, as determined by the appropriate social services district, which has also determined that such individual has a medical need for services and that such individual's needs can safely and appropriately be met by the limited home care services agency in the adult home or enriched housing program.

4. Prior to authorizing payment for services provided to an eligible individual by a limited home care services agency, the appropriate social services district must determine that the service proposed to be provided by such agency is cost-effective in comparison to other available and appropriate service delivery options available in the district.

5. The commissioner of health shall establish rates of payment for

services provided pursuant to this section by November fifteenth, nineteen hundred ninety-seven.

* NB Expires June 30, 2027
* NB There are 2 § 367-p's