*** § 367-s. Long term care demonstration program.** 1. Notwithstanding any inconsistent provision of law, the commissioner of health is authorized to establish a long term care demonstration program for persons eligible to receive services under this title, to operate in up to four social services districts, for the purposes of creating incentives for providers to care for individuals with more complex medical needs, supporting relatives and other caregivers to assist patients needing care at home and reducing the need for institutionalization.

2. The provisions of this section shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of the health care services provided pursuant to this section.

3. (a) The demonstration program established pursuant to this section may include a program to improve the availability of care for persons with clinically complex care needs who are being discharged from hospitals or residential health care facilities. In this regard, and in accordance with paragraph (d) of this subdivision, the commissioner shall adjust the rates of payment to selected home health agencies certified under article thirty-six of the public health law that provide services to such persons.

(b) Eligible certified home health agencies shall:

(i) demonstrate they have the experience and resources to provide services to individuals who are discharged from hospitals or residential health care facilities with clinically complex care needs, as determined in accordance with criteria established by the commissioner.

(ii) demonstrate that they are capable of meeting such other conditions as may be established by the commissioner.

(c) In selecting eligible certified home health agencies, the commissioner shall consider the likelihood that the agency will provide improved availability of care and may consider such other matters as the commissioner deems appropriate.

(d) The adjusted Medicaid rate pursuant to this subdivision shall be available for eligible certified home health agencies for services provided to individuals, eligible for medical assistance pursuant to

this title, who are discharged from a hospital or residential health care facility and have clinically complex care needs, as determined in accordance with criteria established by the commissioner. Such rate shall be payable for services provided up to the first sixty days after discharge from a hospital or residential health care facility.

4. One or more demonstration sites established pursuant to this section may include the provision of respite care through innovative models. Subject to the approval of the director of the division of the budget, the commissioner is authorized to establish payment rates or fees for services provided pursuant to this subdivision.

5. One or more of the demonstration sites established pursuant to this section may include a program with authority to make payments for personal care services that are provided by a consumer's family members.

* NB There are 2 § 367-s's