



Press Release

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Home Care Associations Call on the NYS Legislature to Pass Bill that Averts a Crisis in Home Care

“More people should have the opportunity to receive care at home, in a supportive community, or from a loved one” --President Joe Biden

President Biden and his administration “get it” -- the critical importance of home care.

Today the New York State Association of Health Care Providers (HCP), the Home Care Association of New York State (HCA) and Leading Age New York (LANY) call on the legislature to support the home care industry by passing S.6640 (May)/A.7304 (Gottfried). This bill would repeal an ill-conceived 2020 Medicaid policy – Public Health Law Section 3605-c – which authorizes an arbitrary, unilateral role for the state Department of Health to cut home care through the issuance of a Licensed Home Care Services Agency (LHCSA) Request for Offers (RFO). Passing this bill is urgent before the conclusion of the 2021 legislative session to eliminate uncertainty, avoid disruption of services, maintain patient access to services and avert a crisis in home care. Failure to do so will be harmful to the home care industry and the patients it serves, creating completely avoidable turmoil, chaos, unpredictability, gaps in care and lack of access to service.

As Assemblymember Gottfried rightly observes in his memo accompanying the bill,

“Enactment of Section 3605-c to require LHCSAs to compete for an arbitrarily limited number of contracts with DOH in order to continue operation in the Medicaid program, was an erroneous overreach. This is a misguided and underhanded attempt to choke off the availability – and use- of home care under Medicaid.”

One thing is clear. Preferences are changing and home care is the care setting of choice for those needing services. COVID has shown this more acutely than ever as individuals exercise choice and live in settings that provide them with safety, independence and comfort at home and in their own communities. Patients do better at home.

In calling on the legislature to pass this bill, HCP’s President and CEO, Kathy Febraio said,

“Rather than developing and implementing policies that create obstacles and restrict access to home care as New York has done, the state needs to chart a course for the future of long-term care in New York, which must feature home care prominently as the crown jewel of such a system.”

Febraio continued,

"The LHCSA RFO runs afoul of the Biden administration's priority of making significant investments in home and community-based services for vulnerable individuals needing long-term care. As President Biden makes strides to make his plan a reality, New York state's LHCSA RFO is on a collision course that threatens to strangle access to home care for New York's frail and elderly."

Al Cardillo, President and CEO of the Home Care Association of New York State said:

"Imagine you are a home care provider duly licensed and qualified by the state, serving the community for decades with quality care, employing hundreds of workers, only to find that a state agency has unilaterally decided to cut your service to the state's elderly and disabled. This process is fundamentally counter to the health, safety and future needs of our society, especially in a pandemic when more patients have looked to home care as they recover from COVID-19 or seek out alternatives to congregate care."

He added: "If the RFO has an underlying objective such as cost-efficiency, we believe that these objectives need to be vetted and crafted in an appropriate, studied and evidence-driven process, with provider and consumer stakeholders at the table."

James W. Clyne, Jr., President/CEO of LeadingAge New York, a statewide organization representing the entire continuum of not-for-profit, mission-driven and public long term care providers, said:

"New York's frail and elderly population is projected to increase 50% by 2040 and the number of individuals over age 85 in our state will double by that date. Home care is a critical component of New York's long term care system and needs to grow exponentially to care for this rapidly growing population. New York deserves a thoughtful and reasoned approach to developing the State's home care infrastructure. The LHCSA RFO process flies in the face of addressing this real challenge."

"The time is now to stand up for the home care industry—its patients, aides and agencies. Recognizing the chaos currently being experienced from a recent and similar RFO process in another home care program, the Consumer Directed Personal Assistance Program (CDPAP) we call on the legislature to pass S.6640 (May)/A.7304 (Gottfried) to repeal the LHCSA RFO before it's too late. It is time for New York to align its policies with the Biden administration's expectations for home and community-based care."

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