



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 145

December 22, 2023

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 7038, entitled:

“AN ACT to amend the public health law, in relation expanding the residential health care for children with medical fragility in transition to young adults and young adults with medical fragility demonstration program”

NOT APPROVED

This legislation would expand the existing demonstration program for eligible pediatric health care facilities, which was recently authorized by the federal Centers for Medicare and Medicaid Services (CMS). The bill would also lower the eligibility criteria related to facility bed size from 160 beds to 120 beds.

Recognizing the importance of this demonstration program, I am directing the Department of Health (DOH) to continue its review and to consider whether an expansion of the program is necessary. The current demonstration program was only recently authorized by CMS, and it is too soon to determine whether it should be expanded. The changes would also cost the DOH approximately \$17 million that are not accounted for in the State's financial plan.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

Ruth Hochstetler