

June 23, 2016

Colleagues:

The 2016 Legislative Session has come to a close. For your convenience, we have developed this document as a guide to the health, housing and long term care legislation that LeadingAge New York followed over the course of the Legislative Session. As you will see, several of the bills we supported passed both houses of the Legislature and nearly all the bills we opposed were defeated. We would not have had these successes if it weren't for your advocacy efforts – **thank you for all of your help!**

Now that lawmakers will be returning to their districts, we encourage you to meet with them throughout the remainder of the year – invite them to your organizations to meet your residents and caregivers, and thank them for their hard work in helping us pass or defeat our priority legislation. Consider nominating them for a Partners in Quality award. LeadingAge NY has created a special award for you to recognize your federal, state and local elected officials for their advocacy efforts on behalf of your organization and the individuals you serve. Visit our [Partners in Quality page](#) to find the nomination form and further information. Nomination forms should be emailed to Jeff Diamond at [jdiamond@leadingageny.org](mailto:jdiamond@leadingageny.org) or faxed to 518-867-8384 by Monday, August 1, 2016.

If you have any questions or concerns about the bills mentioned in this document or would like to discuss any advocacy initiatives, please don't hesitate to contact your Public Policy and Advocacy team at 518-867-8383.

As always, we will keep you posted with any legislative updates. Again, thank you for your advocacy efforts – our successes would not have been possible without you!

Have a great summer,

Ami

**LeadingAge New York's  
Legislative Bill Summary  
June 2016**

**Passed Both Houses**

These bills have passed both the Senate and Assembly, and are waiting to be signed into law by the Governor.

**Medicaid Reimbursement for Complex Needs Patients**

[A.5074-C \(McDonald\)/S.3651-D \(Ortt\)](#)

*Summary:* Requires specific Medicaid insurance codes related to complex needs patients' therapy and treatment; requires managed care contracts to comply with certain reimbursement rates.

*Position:* Concerns shared with sponsors; chapter amendment expected.

**Enriched Social Adult Day Services**

[A.7588 \(Cymbrowitz\)/S.5732 \(Serino\)](#)

*Summary:* Requires the State Office for the Aging (SOFA) to develop a process for social adult day programs that currently have a contract with SOFA to provide enriched services and/or optional services without the program receiving a grant. The bill would make permanent the untested Enriched Social Adult Day Care (ESADC) program. ESADC was authorized as a three-year demonstration project under Chapter 58 of the Laws of 2008; however, the demonstration never occurred.

*Position:* [Oppose](#)

**House Calls**

[A.7714-C \(Gottfried\)/S.8081 \(Hannon\)](#)

*Summary:* Authorizes hospital out-patient clinics and diagnostic and treatment centers to render services to patients by means of making house calls to their place of residence.

*Position:* No position. Bill was amended to address home care concerns.

**Social Adult Day Programs Oversight**

[A.9130 \(Cymbrowitz\)/S.7161 \(Savino\)](#)

*Summary:* Ensures that all social adult day programs in the state are subject to the same oversight by the State Office for the Aging.

*Position:* Support

**E-Prescribing Requirements Exception for Certain Oral Prescriptions**

[A.9334 \(Gottfried\)/S.6778 \(Hannon\)](#)

*Summary:* Allows non-electronic prescriptions to be made through the long-established mechanism of oral prescriptions being submitted by nursing homes for their residents.

*Position:* Support

**E-Prescriptions Filing Requirements**

[A.9335-B \(Gottfried\)/S.6779-B \(Hannon\)](#)

*Summary:* Permits health care practitioners to make note in a patient's chart (rather than notifying the Health Department) when they issue a non-electronic prescription under statutory conditions.

*Position:* Support

**Essential Personnel Status for Home Care**

[A.9381-B \(Cusick\)/S.6692-B \(Lanza\)](#)

*Summary:* Relates to comprehensive emergency management provisions for home care and hospice in counties and in cities with a population of one million or more.

*Position:* Support

**Requirements for Aid to NORCs and N/NORCS**

[A.10201 \(Harris\)/S.7851 \(Golden\)](#)

*Summary:* Relates to match requirements for aid granted by the state for Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs.

*Position:* [Support](#)

### **Nursing Home Employee Background Checks**

[A.10382 \(Hyndman\)/S.7298 \(Hannon\)](#)

*Summary:* Amends the criminal history record check program for employees of nursing homes, home care service agencies, and ACFs to limit the dissemination of records and information regarding a prospective employee to records or information received from the Division of Criminal Justice Services.

*Position:* No position

### **Advanced Home Health Aides**

[A.10707 \(Glick\)/S.8110 \(LaValle\)](#)

*Summary:* Creates an “Advanced Home Health Aide,” who could perform certain advanced tasks under the supervision of a registered professional nurse and pursuant to an authorized practitioner’s ordered care.

*Position:* [Support](#)

### **Home Care Worker Minimum Wage Technical Amendments**

[A.10741 \(Farrell\)/S.8159 \(Flanagan\), Part E](#)

*Summary:* Makes a technical amendment to the home care wage parity law to account for changes to the minimum wage laws included in this year’s Budget. The bill updates referenced subparagraphs indicating new minimum wage distinctions between New York City and Long Island.

*Position:* Support

### **Heroin and Opioid Abuse**

On Tuesday, Gov. Cuomo and the legislative leaders announced [agreement](#) on a package of bills that are intended to help address the state’s crisis of heroin and opioid abuse. The bills include provisions to limit the over-prescription of opioids, remove barriers to access for inpatient treatment and medication, increase the evaluation period for persons incapacitated by drugs from 48 to 72 hours, require hospitals to provide follow-up treatment service options to individuals upon hospital discharge, and expand wraparound services to support long-term recovery.

*Position:* No position

## **Legislation Failing to Advance to the Governor**

These bills have passed either the Assembly or Senate or remained in committee.

### **Adult Care Facilities and Temporary Operators**

[A.154-A \(Weinstein\)](#)

*Summary:* Establishes a cause of action by residents of adult care facilities to petition for appointment of a temporary operator.

*Position:* [Oppose](#)

*Outcome:* Advanced to and remained on the Assembly Floor Calendar.

### **Managed Long Term Care Plan Ownership**

[A.414-C \(Gottfried\)/S.379-A \(Rivera\)](#)

*Summary:* Amends the public health law's definition of "eligible applicant" for certification as a managed long term care (MLTC) plan to require eligible insurers and health maintenance organizations be not-for-profit. An exception would recognize entities already certified.

*Position:* Support

*Outcome:* Advanced to and remained on the Assembly Floor Calendar and remained in the Senate Health Committee.

### **Nursing Home Diversion**

[A.415 \(Gottfried\)](#)

*Summary:* Diverts new admissions to nursing homes when they are unable to maintain safe and appropriate standards.

*Position:* [Oppose](#)

*Outcome:* Remained in the Assembly Health Committee.

### **Adult Care Facilities Uniform Training Program**

[A.439 \(Gottfried\)](#)

*Summary:* Establishes a training program for direct-care staff working in adult homes and other adult care facilities.

*Position:* [Oppose](#)

*Outcome:* Remained in the Assembly Health Committee.

### **Private Right of Action for RHCf Residents**

[A.442 \(Gottfried\)/S.124 \(Hoylman\)](#)

*Summary:* Provides that a nursing home patient's right to sue for injuries can be exercised by the patient's legal representative or estate.

*Position:* Oppose

*Outcome:* Passed in the Assembly and remained in the Senate Health Committee.

### **Hours Worked by Nurses**

[A.1127 \(Gunther\)/S.3100 \(Ritchie\)](#)

*Summary:* Adds home care visits to the existing law that no health care employer shall require a registered professional nurse or a licensed practical nurse to work more than that nurse's regularly scheduled work hours or home care visits.

*Position:* [Oppose](#)

*Outcome:* Remained in the Assembly and Senate Labor Committees.

### **RN at EALRs and SNALRs**

[A.2141 \(Gottfried\)/S.1049 \(Montgomery\)](#)

*Summary:* Relates to requiring a registered nurse on staff at facilities certified for enhanced assisted living or special needs assisted living.

*Position:* [Oppose](#)

*Outcome:* Advanced to and remained on the Assembly Floor Calendar and remained in the Senate Aging Committee.

### **Definition of Palliative Care**

[A.2211-A \(Gottfried\)/S.311-A \(Espaillat\)](#)

*Summary:* Adds a definition for and updates other references to palliative care in the hospice law.

*Position:* Support

*Outcome:* Passed in the Assembly and remained in the Senate Health Committee.

### **Rights of Residents of Adult Care Facilities**

[A.2283 \(Gottfried\)/S.718 \(Rivera\)](#)

*Summary:* Authorizes residents in adult care facilities to designate resident representatives and legal representatives. The bill also establishes that residents have the right to choose their own health care providers and be fully informed about treatment and the right to refuse treatment after being fully informed of the consequences.

*Position:* No position

*Outcome:* Passed in the Assembly and remained in the Senate Social Services Committee.

### **NYC Planning Commission and Community Forums**

[A.2553-C \(Benedetto\)/S.4542-C \(Klein\)](#)

*Summary:* Adds a requirement that a community board approval would be required upon renewal of contracts post-construction.

*Position:* [Oppose](#)

*Outcome:* Passed in the Senate and remained in the Assembly Cities Committee.

### **Death and Felony Crime Reporting in Adult Care Facilities**

[A.3829 \(Gottfried\)/S.301 \(Espaillat\)](#)

*Summary:* Relates to death and felony crime reports in certain ACFs.

*Position:* [Oppose](#)

*Outcome:* Passed in the Assembly and remained in the Senate Health Committee.

### **Educational Preparation for Nurses**

[A.3945 \(Morelle\)/S.2145 \(Flanagan\)](#)

*Summary:* Requires registered nurses to attain a Bachelor of Science degree in nursing within 10 years of their initial licensure.

*Position:* Support

*Outcome:* Passed in the Assembly and remained in the Senate Rules Committee.

### **Study of Fees and Charges for Assisted Living Residence Residents**

[A.4252-B \(DenDekker\)/S.3854-B \(Lanza\)](#)

*Summary:* Authorizes and directs the Health Department and the State Office for the Aging to conduct a study of fees and charges assessed to residents of assisted living facilities.

*Position:* Oppose

*Outcome:* Passed in the Assembly and held in the Senate Aging Committee.

### **Filming of Medical Treatments**

[A.5161-D \(Braunstein\)/S.4622-C \(Golden\)](#)

*Summary:* Requires a medical facility or related services to obtain express prior written consent before the making and/or broadcasting of visual images of a patient's medical treatment.

*Position:* Concerns shared with sponsors

*Outcome:* Advanced to and remained on the Assembly Floor Calendar and remained in the Senate Health Committee.

### **Safety Violations in Adult Care Facilities**

[A.5820-A \(Gottfried\)](#)

*Summary:* Requires an annual audit of facilities which receive funds under the EQUAL program, increases maximum civil penalties for ACF violations from \$1,000 per day to \$5,000 per violation per day, and authorizes a pre-hearing suspension or limitation of an ACF's operating certificate in cases of imminent danger to residents.

*Position:* Oppose

*Outcome:* Advanced to and remained on the Assembly Floor Calendar.

### **Violations in Residential Care Programs**

[A.6510-A \(Weinstein\)/S.4642-A \(Golden\)](#)

*Summary:* Intends to prevent the use of property guardianships under Article 81 of the Mental Hygiene Law by nursing homes and other providers to pursue payment from incapable residents for their services, when the residents or their representatives fail to pay for such services.

*Position:* [Support Intent](#)

*Outcome:* Passed in the Assembly and remained in the Senate Mental Health Committee.

### **Antipsychotic Use in Nursing Homes and ACFs**

[A.7351-A \(Gottfried\)](#)

*Summary:* Relates to the use of psychotropic medications in nursing homes and adult care facilities.

*Position:* Oppose

*Outcome:* Passed in the Assembly and remained in the Senate Health Committee.

### **Regulatory Relief for Home Care Managed Care**

[A.7456 \(Gottfried\)/S.5933 \(Hannon\)](#)

*Summary:* Requires the Commissioner of Health to consider the recommendations of the home and community-based care work group and potentially waive duplicative rules and regulations as recommended by the work group.

*Position:* Support

*Outcome:* Remained in the Assembly and Senate Health Committees.

### **Community Paramedicine**

[A.7503 \(Gottfried\)/S. 5481 \(Hannon\)](#)

*Summary:* Relates to community paramedicine services.

*Position:* Oppose

*Outcome:* Remained in the Assembly and Senate Health Committees.

### **TBI/NHTD Waiver Delay**

[A.7598 \(Gottfried\)/S.5535 \(Hannon\)](#)

*Summary:* Relates to the transition of traumatic brain injury waiver and nursing home transition and diversion waiver program services to Medicaid managed care programs.

*Position:* [Support](#)

*Outcome:* Remained in the Assembly and Senate Health Committees.

### **Home Care Reimbursement Rates**

[A.7687 \(Gottfried\)/S.5459 \(Hannon\)](#)

*Summary:* Requires the Health Department to contract with an independent actuary to study reimbursement methodologies for home and community-based long term care providers that will assure adequate worker compensation.

*Position:* Support

*Outcome:* Passed in the Senate and remained in the Assembly Health Committee.

### **Telehealth Coverage by Home Care Providers**

[A.8200 \(Russell\)/S.5852 \(Young\)](#)

*Summary:* Provides for the delivery and insurance coverage of telehealth services by means of home care services.

*Position:* Support

*Outcome:* Remained in the Assembly Health Committee and committed to the Senate Rules Committee.

### **Nurse Staffing Ratios**

[A.8580-A \(Gunther\)/S.782 \(Hannon\)](#)

*Summary:* Creates specific staffing ratios for nurses and other direct-care staff in hospitals and nursing homes.

*Position:* [Oppose](#)

*Outcome:* Passed in the Assembly and remained in the Senate Rules Committee.

### **Integration of Individuals with TBI**

[A.9146 \(Russell\)/S.6655 \(Young\)](#)

*Summary:* There is a severe shortage of caregivers to support individuals with TBI in the community. Many times, this leads to the unfortunate placement of people into nursing homes. Oftentimes, these individuals could be served by local providers of developmental disabilities services, unless their TBI was suffered after age twenty-one. This important bill would allow these individuals to access developmental disabilities services, ensuring they can be served in a more community-based setting.

*Position:* [Support](#)

*Outcome:* Passed in the Senate and remained in the Assembly Health Committee.

**Participation in Medicaid Managed Care by TBI/NHTD Waiver Recipients**

[A.9288 \(Gottfried\)/S.6766 \(Hannon\)](#)

*Summary:* Ensures continuity of care and service quality for patients in the Traumatic Brain Injury (TBI) Waiver and Nursing Home Transition and Diversion (NHTD) Waiver programs if they transition into Medicaid Managed Care.

*Position:* Undetermined

*Outcome:* Passed in the Senate and remained in the Assembly Ways and Means Committee.

**Discharges to Nursing Homes**

[A.9301 \(Gottfried\)/S.6492 \(Hannon\)](#)

*Summary:* Requires a utilization review of a request for nursing home care after an inpatient hospital admission to be completed within 24 hours of the request.

*Position:* Undetermined

*Outcome:* Advanced to and remained on the Assembly Floor Calendar and committed to the Senate Rules Committee.

**TBI Carve Out of Medicaid Managed Care**

[A.9397 \(Gottfried\)/S.6814 \(Hannon\)](#)

*Summary:* Prevents waived Medicaid services provided to persons suffering from traumatic brain injuries or qualifying for nursing home diversion and transition services from being provided to Medicaid recipients through managed care programs.

*Position:* Support

*Outcome:* Passed in the Senate and remained in the Assembly Health Committee.

**Notice of Assisted Living Facility Changes**

[A.9404 \(Rosenthal\)](#)

*Summary:* Requires assisted living facilities to notify residents of changes to medical and support services 180 days prior to such changes taking effect.

*Position:* Oppose

*Outcome:* Remained in the Assembly Health Committee.

**DNR/Life Sustaining Treatment Orders**

[A.9859 \(Gottfried\)/S.6314 \(Hannon\)](#)

*Summary:* Authorizes nurse practitioners to execute orders not to resuscitate and orders relating to life sustaining treatments.

*Position:* Support

*Outcome:* Passed in the Senate and remained in the Assembly Higher Education Committee.

**Medical Aid in Dying Act**

[A.10059 \(Paulin\)/S.7579 \(Savino\)](#)

*Summary:* Relates to a terminally ill patient's request for and use of medication for medical aid in dying.

*Position:* No position

*Outcome:* Remained in the Assembly Codes and Senate Health Committees.

**Supplemental Security Income Increase**

[A.10224 \(Brindisi\)/S.7333 \(Serino\)](#)

[A.7393-B \(Brindisi\)/S.5151-A \(Little\)](#)

*Summary:* Increase the state portion of the Supplemental Security Income (SSI) Congregate Care Level 3. An increase is needed to enable ACFs to continue to care for SSI recipients.

*Position:* [Support](#)

*Outcome:* The first bill passed in the Senate and remained in the Assembly Ways and Means Committee. The second remained in the Assembly Social Services and Senate Finance Committees.

**Independent Senior Housing Resident Freedom of Choice Act**

[A.10243 \(Cymbrowitz\)/S.2276-A \(Young\)](#)

*Summary:* Clarifies that individuals living in senior housing have the right to access and obtain the same services that they would if they were an individual residing in the community, from the provider of their choosing.

*Position:* [Support](#)

*Outcome:* Passed in the Assembly and remained in the Senate Rules Committee.

### **Justice Center Registry Checks**

[A.10383 \(Harris\)/S.7414 \(Carlucci\)](#)

*Summary:* Relates to the requirement to check the Justice Center's register of substantial category one cases of abuse or neglect.

*Position:* [Oppose](#)

*Outcome:* *Passed in the Senate and remained in the Assembly Codes Committee.*

### **Role of the Nurse in Adult Care Facilities**

[A.10384 \(Gottfried\)/S.7974 \(Hannon\)](#)

*Summary:* Allows adult care facility and assisted living settings to directly employ licensed practical nurses or registered nurses in order to provide nursing services.

*Position:* [Support](#)

*Outcome:* *Remained in the Assembly and Senate Health Committees.*

### **Statewide Telehealth/Telemedicine Network**

[A.10436 \(Russell\)/S.5789-B \(Valesky\)](#)

*Summary:* Promotes the establishment and maintenance of a statewide telehealth/telemedicine network to serve the health care needs of New York's residents, especially those located in underserved rural, urban and suburban areas.

*Position:* Support

*Outcome:* *Passed in the Senate and remained in the Assembly Health Committee.*

### **Telehealth Payment Parity**

[A.10500 \(Russell\)/S.7953 \(Young\)](#)

*Summary:* Requires that services provided via telehealth be reimbursed at the same rate as services provided in person.

*Position:* Undetermined

*Outcome:* *Remained in the Assembly Insurance and Senate Health Committees.*

### **Capital Funding for Assisted Living Programs**

[A.10522 \(Magnarelli\)/S.7718 \(Hannon\)](#)

[A.10517 \(Magnarelli\)/S.7711 \(Hannon\)](#)

*Summary:* Assisted living programs were excluded from the substantial capital and operational funding for Medicaid providers that was included in the passed State Budget. These bills would enable ALPs the opportunity to access funds allocated in the budget.

*Position:* [Support](#)

*Outcome:* *Both remained in the Assembly and Senate Health Committees.*

### **TBI Certification or Professional License for Adult Care Facilities**

[A.10592 \(Weprin\)/S.1704 \(Golden\)](#)

*Summary:* Requires certain residential adult care facilities to hold a specific TBI certification or professional license.

*Position:* Undetermined

*Outcome:* *Remained in the Assembly and Senate Health Committees.*

### **Domestic Workers Bill of Rights**

[A.10595-A \(McDonald\)/S.7929-A \(Martins\)](#)

*Summary:* Amends the definition of "domestic worker" to reflect recent changes to the Federal Fair Labor Standard Act regulations.

*Position:* Support

*Outcome:* *Remained in the Assembly and Senate Labor Committees.*

### **Medical Orders for Life Sustaining Treatment (MOLST)**

[A.10644 \(Morelle\)/S.7883 \(Funke\)](#)

*Summary:* Modifies public health law to include the words "Medical Orders for Life Sustaining Treatment" (MOLST). The bill would also establish an eMOLST registry. This registry would require practitioners who complete a MOLST form to submit to the eMOLST registry within 14 days.

*Position:* Support

*Outcome:* *Remained in the Assembly and Senate Health Committees.*

**CCRC Revitalization Act**

[A.10657 \(Schimminger\)/S.7778 \(Hannon\)](#)

*Summary:* Modernizes the CCRC laws in New York and eliminates barriers to their development, expansion, and efficient operation.

*Position:* [Support](#)

*Outcome:* Remained in the Assembly Health and Senate Aging Committees.

**Quality Innovation and Improvement Through Home Care**

[A.10696 \(Gottfried\)/S.7810 \(Hannon\)](#)

*Summary:* Establishes the program of health care quality innovation and improvement through home care. The bill would promote a new quality measurement and analytical tool and guidelines/special trainings for staff.

*Position:* Support

*Outcome:* Remained in the Assembly and Senate Health Committees.

**Nurse Practitioner Service Payments**

[A.10697 \(Gottfried\)/S.7763 \(Hannon\)](#)

*Summary:* Authorizes payments to home health agencies for the provision of nurse practitioner services.

*Position:* Undetermined

*Outcome:* Remained in the Assembly and Senate Health Committees.

**Air Conditioner Fees**

[S.351 \(Diaz\)](#)

*Summary:* Directs the Commissioner of Health to establish a schedule of fees for the use, maintenance and repair of air conditioners used by residents of adult homes.

*Position:* [Oppose](#)

*Outcome:* Remained in the Senate Health Committee.

**Telehealth/Telemedicine Act**

[S.621 \(Valesky\)](#)

*Summary:* Relates to promoting the development, provision and accessibility of telehealth/telemedicine services.

*Position:* [Support](#)

*Outcome:* Remained in the Senate Health Committee.

**Justice Center Oversight of Adult Care Facilities**

[S.7460 \(Hannon\)](#)

*Summary:* Requires all adult care facilities and enriched housing programs licensed under Article 7 of the Social Services Law to report reportable incidents to the Justice Center.

*Position:* Oppose

*Outcome:* Remained in the Senate Mental Health Committee.

**Managed Care Plan and Service Provider Rates**

[S.8072 \(Hannon\)](#)

*Summary:* A follow-up to the language that was added late in the budget minimum wage discussions regarding rate adequacy for home care payment as a result of the minimum wage. It would set up statutory principles for payment from managed care plans to address the minimum wage and changes to the overtime rules.

*Position:* Support

*Outcome:* Passed in the Senate and remained in the Assembly Ways and Means Committee.